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LEGISLATIVE HISTORY
Public Law 86-783
H. R. 12759

TABLE OF CONTENTS

Index and summary of H. R. 12759	.1
Digest of Public Law 86-783	.2

INDEX AND SUMMARY OF H. R. 12759

- June 13, 1960 Sen. McCarthy and others introduced and Sen. McCarthy discussed S. 3666. Print of bill as introduced and remarks of Sen. McCarthy.
- June 21, 1960 Rep. Sisk introduced H. R. 12759 which was referred to the House Agriculture Committee. Print of bill as introduced.
- June 22, 1960 House committee reported H. R. 12759 without amendment. H. Report No. 1954. Print of bill and report.
- June 24, 1960 Rules Committee reported resolution for the consideration of H. R. 12759. H. Res. 569. H. Report No. 1989. Print of resolution and report.
- June 28, 1960 House began debate on H. R. 12759.
- June 29, 1960 House passed H. R. 12759 without amendment.
- June 30, 1960 H. R. 12759 was referred to the Senate Agriculture and Forestry Committee. Print of bill as referred.
- Aug. 23, 1960 Senate committee reported H. R. 12759 with an amendment. S. Report No. 1901. Print of bill and report.
- Aug. 24, 1960 Sen. Case, S. Dak., submitted his proposed amendment to H. R. 12759 (price support and allotments). Print of amendment.
- Aug. 25, 1960 Senate passed over H. R. 12759.
- Aug. 30, 1960 Sen. Keating submitted and discussed his proposed amendment to H. R. 12759.
- Aug. 31, 1960 Sen. Javits submitted his proposed amendment to H. R. 12759.
- Senate passed H. R. 12759 as reported.
- House concurred in Senate amendment.
- Sept. 14, 1960 Approved: Public Law 86-783.

Hearings: House Agriculture Committee, on H. R. 9869, etc. Serial TT. March 22, 23, 24, 25, and 31, 1960.

DIGEST OF PUBLIC LAW 86-783

EXTENSION OF MEXICAN FARM LABOR PROGRAM. Amends the Agricultural Act of 1949 so as to extend for 6 months, until December 31, 1961, the Mexican farm labor program under which workers are brought into the United States from Mexico under the supervision of the Department of Labor, and pursuant to an international agreement with the Government of Mexico, to assist in seasonal farm operations in the United States.

86TH CONGRESS
2D SESSION

S. 3666

IN THE SENATE OF THE UNITED STATES

JUNE 13, 1960

Mr. McCARTHY (for himself, Mr. HUMPHREY, Mr. HART, Mr. DOUGLAS, Mr. McNAMARA, Mr. MURRAY, Mr. PROXMIRE, Mr. CLARK, Mr. YOUNG of Ohio, and Mr. DODD) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To amend title V of the Agricultural Act of 1949, as amended, to provide protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 501 of the Agricultural Act of 1949, as
4 amended, is amended by deleting the first paragraph and
5 substituting therefor the following:

6 “SEC. 501. The Secretary of Labor is authorized to deter-
7 mine whether and to what extent it is necessary to augment
8 the agricultural labor force in the United States by supplying

1 workers from the Republic of Mexico. Such workers shall
2 be supplied pursuant to arrangements between the United
3 States and the Republic of Mexico only if the Secretary certi-
4 fies that (A) sufficient domestic workers who are able,
5 willing, and qualified are not available at the time and place
6 needed to perform the work for which foreign workers are
7 to be employed, (B) the employment of such foreign workers
8 will not adversely affect the wages and working conditions
9 of domestic agricultural workers similarly employed, and
10 (C) reasonable efforts have been made to attract domestic
11 workers for such employment, including independent and
12 direct recruitment by the employer requesting foreign work-
13 ers, at terms and conditions of employment comparable to
14 those offered to foreign workers. No workers shall be sup-
15 plied pursuant to the provisions of this title except for sea-
16 sonal employment or employment requiring no specialized
17 skills.

18 "In carrying out the provisions of this title, the Secre-
19 tary is authorized—"

20 (b) Section 501 of such Act is further amended by re-
21 numbering paragraphs (2), (3), (4), (5), and (6) as
22 paragraphs (4), (5), (6), (7), and (8), respectively, and
23 inserting after paragraph (1) the following new paragraphs:

24 "(2) to fix the ratio of agricultural workers from
25 the Republic of Mexico to domestic agricultural work-

ers which may be employed by any employer, when necessary to assure active competition for the available supply of United States agricultural workers;

“(3) to establish specific criteria for judging whether the employment of Mexican agricultural workers in the United States is adversely affecting or will adversely affect the wages, working conditions, or employment opportunities of domestic workers similarly employed. Such criteria shall include but shall not be limited to (a) failure of wages and earnings in activities and areas using Mexicans to advance with wage increases generally; (b) the relationship between Mexican employment trends and wage trends in areas using Mexican workers; (c) differences in wage and earning levels of workers on farms using Mexican labor compared with nonusers;”.

(c) Section 501 of such Act is further amended by substituting the words “paragraph (5)” for the words “paragraph (3)” where they appear in paragraph (6), as so redesignated by subsection (b) of this section.

SEC. 2. Section 502 (3) of such Act is amended by substituting the words “section 501 (6)” for the words “section 501 (5)” therein.

SEC. 3. Section 503 of such Act is amended to read as follows:

1 “SEC. 503. No workers recruited under this title shall
2 be made available to any employer unless the United States
3 agricultural workers employed by such employer are paid
4 at wage rates not less favorable than those required to be
5 offered to Mexican workers.”

6 SEC. 4. Section 506 of such Act is amended by deleting
7 the word “and” at the end of paragraph (2), striking the
8 period at the end of paragraph (3), and inserting in lieu
9 thereof the following: “; and”, and by adding at the end
10 thereof the following new paragraph:

11 “(4) issue such rules and regulations as may be
12 necessary to carry out the provisions of this title.”

13 SEC. 5. Section 509 of such Act, as amended, is amended
14 by striking “June 30, 1961” and inserting, “June 30, 1963.”

A BILL

To amend title V of the Agricultural Act of 1949, as amended, to provide protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes.

By Mr. McCARTHY, Mr. HUMPHREY, Mr. HART,
Mr. DOUGLAS, Mr. McNAMARA, Mr. MURRAY,
Mr. PROxmIRE, Mr. CLARK, Mr. YOUNG of
Ohio, and Mr. DODD

JUNE 13, 1960

Read twice and referred to the Committee on
Agriculture and Forestry

EXTENSION AND AMENDMENT OF AGRICULTURAL ACT OF 1949

Mr. McCARTHY. Mr. President I introduce, for appropriate reference, a bill to extend Public Law 78 for 2 additional years and to amend it to provide certain safeguards for the protection of domestic agricultural workers.

The migrant farm workers constitute one of the most impoverished and neglected groups in our society. They have not generally shared in the rise of standard of living throughout the Nation and their social and economic problems continue to be most serious. The improvement of their opportunity for a better life is a matter of basic social justice.

The bill which I am introducing today deals with only one phase of the whole migrant labor problem, that of the regulation of the conditions under which it shall be lawful to bring into this country Mexican nationals for agricultural labor. This is, however, a matter for which the Congress has special responsibility, since this program was established by the Congress in 1951 with the passage of Public Law 78. Although it was envisioned as a temporary measure, it has been extended on three occasions. The present expiration date is June 30, 1961, but already there is demand that it be extended in this session.

Public Law 78 authorized agreements with the Republic of Mexico for admission of Mexican nationals into the United States to meet farm labor shortages. It was viewed also as a means of reducing the number of illegal entries of "wetbacks." In approving the procedure the Congress set up some conditions which would guarantee, it was thought, that domestic farm workers would not be adversely affected by the employment of Mexican nationals.

The program has been successful as regards the recruitment of Mexican workers. In 1952 the number of Mexican nationals brought into the United States was 197,000; in 1954, 309,000; in 1956, 445,000, and in each of the past 3 years the number has been over 430,000. Under the contracts worked out by our Government and that of Mexico there has been gradual improvement under which the Mexican nationals travel, live, and work.

On the other hand the program has grown beyond that of meeting an emergency demand for seasonal labor. The safeguards to protect the rights of domestic migratory workers have proved inadequate. Experience has shown that the Secretary of Labor lacks sufficient authority to make and enforce the regulations necessary to protect domestic workers. There is much evidence that the program has had a depressing influence on the wages, living conditions, and employment opportunities of American agricultural workers.

The family farm is also affected by this program. About half of the farms in the Nation do not use hired labor and another 35 percent use very little. The great majority of migratory workers are used on less than 5 percent of the farms of the Nation, the percentage using Mexican nationals are even fewer. In many

types of farm production the family-type farmers are losing out partly because the large-scale operators can cut costs by use of cheap labor. In 1958, for example, the Department of Labor had to take action to try to guarantee that Mexican nationals working on the piece-rate basis would receive at least 50 cents per hour; the minimum set by the Mexican Government for braceros paid on an hourly rate.

The special Senate Committee on Unemployment Problems was concerned with the problem of underemployment and unemployment among rural people. We did not deal extensively with the question of migratory workers since a subcommittee of the Committee on Labor and Public Welfare was studying hearings on this problem. We did receive some testimony, however, regarding the adverse effect of the Mexican farm labor program on the employment opportunities and wages of domestic farmworkers. In the final report of the committee made last March, both the majority and minority members were agreed on the need for the Congress to examine closely the effects of Public Law 78 on domestic employment opportunities before extending the program.

The most substantial evidence for the necessity of revising the provisions of Public Law 78 has come from the consultants appointed by the Secretary of Labor to study the Mexican farm labor program. Members of this special study group were former U.S. Senator Edward Thyne, Dr. Rufus B. van Kleinsmid, chancellor of the University of Southern California, Glenn E. Garrett, chairman of the Texas Council of Migrant Labor, and Msgr. George Higgins, director of the social action department of the National Catholic Welfare Conference. The consultants made their report last October, and I ask unanimous consent to have printed in the RECORD at this point some of the factual background developed by the consultants.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

A. ADVERSE EFFECT

Section 503(2) of Public Law 78 prohibits the Department of Labor from making Mexican workers available in any area unless it is determined that the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed.

In carrying out other provisions of Public Law 78 and the international agreement, the Department has established procedures which tend to minimize adverse effect. These include (a) preseason supply-demand analysis to determine labor shortages; (b) interstate clearance to meet shortages from available surpluses of domestic labor; (c) requiring employers of foreign labor to meet acceptable standards of housing and working conditions; (d) requiring employers of foreign workers to pay the "prevailing wage" to protect domestic wage standards while preventing exploitation of foreign workers; and (e) requiring employers using foreign workers to hire qualified U.S. workers who become unemployed in the area, either in addition to or in place of Mexican nationals.

In spite of these efforts, there are indications that adverse effect has occurred in some cases. The following are some examples:

1. **Employment displacement:** There are indications of some employer preference for Mexicans over domestic workers because they represent an assured work force of premium adult male labor. Use of Mexicans relieves the farmer of the risk of losing his labor supply, and enables him to take maximum advantage of changing market prices and crop grades. The unit cost of housing foreign workers is generally smaller than the cost for domestic migrants, who usually travel in family groups. In a competitive situation, other farmers seek the same advantages and strong and continuing pressures build up to utilize foreign workers. Thus in some areas, almost 100 percent of the seasonal work on certain crop activities is performed by foreign workers. Domestic workers either migrate to other areas of employment or do not seek jobs in the activity which is identified with Mexicans. * * *

2. **Duration of employment:** Agriculture cannot provide year-round employment for most farm wageworkers because of the short duration of seasons. The average farm wage-worker can only expect to work about 125 days a year at farm jobs. If foreign workers are available, seasons of agricultural employment may be further compressed by using more workers at peak. This may result in even shorter duration of employment and loss of income for American farmworkers in areas where foreign workers are employed.

3. **Low wages:** Agriculture has been historically a low-wage industry. Farm employers have not generally attempted to compete with other industries for labor. In areas where foreign workers are used in large numbers their presence may prevent wage rates from rising to levels they would attain if no foreign workers were admitted. Knowledge of the availability of Mexican nationals weakens the domestic workers' bargaining position and contributes to the depression of area wage levels. Studies made by the Department of Labor show that wage rates in activities in which Mexicans are employed have lagged behind the rising wage level for farm work generally. The studies also show that wages paid by employers who use foreign workers tend to average lower than those paid by nonusers in the same area (see discussion of wages in C below).

B. EXTENSIVE USE OF MEXICAN NATIONALS

1. **Year-round occupations:** Public Law 78 does not limit the use of Mexican nationals to seasonal occupations although the history and background of this program indicate that it generally was considered to be for the purpose of meeting emergency needs. However, approximately 20,000 Mexicans known as "specials," are now employed on a year-round basis. These are workers with specialized knowledge and experience who are specifically requested at reception centers and whose contracts are renewed every 6 months. Most "specials" are employed in the border States of Texas and New Mexico.

2. **Skilled occupations:** Public law 78 does not limit employment of Mexicans in terms of skills, and in recent years, there has been an increasing tendency to use Mexicans in semiskilled and skilled occupations. In addition to those employed as tractor operators and ranch hands, thousands are engaged in skilled and semiskilled jobs. Recently, the Department has been confronted with the problem of Mexican workers penetrating into field packing and sorting of vegetables as new machine methods were introduced and the work transferred from the shed to the fields. This work was formerly done by packing shed operators at higher wage rates in sheds.

The only legal authority the Department of Labor has for limiting the use of Mexican nationals in terms of skill considerations is a determination under section 503 (1) that sufficient domestic workers who are able, willing, and qualified are available at the time and place needed to perform this

work, or a determination under section 503 (2) that the use of Mexicans adversely affects the wages and working conditions of domestic workers similarly employed. However, difficulties have arisen in attempting to apply these provisions. For example, in the case of Mexicans used in the machine packing and sorting of vegetables in the field, American packinghouse workers have been displaced. However, the displaced workers are not necessarily available to transfer to field jobs because of changes in the job content as well as a lowering of wages and the conditions of employment. Consequently, Mexicans are requested for field packing work while higher paid domestic shedworkers are laid off.

3. Nonessential crops: Under Public Law 78 foreign workers may be used for any commodity or product which the Secretary of Agriculture deems essential. Since the inception of the law, however, the Secretary of Agriculture has not exercised his discretion to declare any commodities nonessential, even those which are in surplus supply and heavily subsidized. More than 60 percent of all Mexicans employed at peak work in crops which are in surplus supply.

C. WAGES

1. Wage trends: Section 503(2) of Public Law 78 states that the Department of Labor's responsibility under the law shall be carried out in a manner that will not adversely affect wages. The international agreement helps to implement this by providing that wages paid to foreign workers should correspond with those paid to domestic workers similarly employed in the area.

The prevailing wage concept may work satisfactorily in situations where wage rates are determined by competitive forces in the labor market, and there are so few Mexicans that their presence does not upset this equilibrium. Actually, however, the availability of a potential reserve of foreign labor generally influences the wage levels in the area for crops on which Mexicans are usually employed, and on other crops as well. Thus, Mexican rates are tied to domestic wage levels, which, in turn, may be more or less stabilized by the presence of Mexicans. Therefore, wage levels tend to become fixed in areas and activities where Mexicans are employed.

Studies of the BES show that wage rates in crops for which Mexicans are employed do not move upward at a rate corresponding with the general trends in farm wage rates.

Between 1953 and 1958, the hourly farm wage rate in the United States increased 14 percent, according to the Department of Agriculture. An examination of wage surveys made by State agencies in areas using Mexican nationals showed that the average rate paid to domestic workers in these areas either remained unchanged or decreased in three-fifths of the cases. In making this analysis each wage survey was given equal weight regardless of the relative number of workers employed. If the findings had been weighted, the indication of a leveling or downtrend of wages would be greater. For example, in cotton, in which about one-half of the Mexicans are employed, three-fourths of the cases showed rates unchanged or lowered. Between 1958 and 1959, an improvement in wage rates paid to American workers in areas using Mexican nationals has been reported, but the magnitude of these increases is less than the overall increase in farm wage rates in the United States.

During the past decade the wage differential between agriculture and industry has been widening steadily, and it may be inferred that the use of foreign workers in agriculture is partly responsible.

4. Earnings of Mexican workers: The Mexican Government has set a 50-cent minimum for braceros paid on an hourly basis. This

standard is below existing wage levels in most areas where foreign workers are employed but above prevailing levels in the Lower Rio Grande Valley in Texas, Arkansas, Delta areas, and parts of New Mexico.

Studies of earnings of Mexican workers have revealed that many paid on a piece-rate basis were not realizing the equivalent of 50 cents an hour. Therefore, in 1958, the Bureau of Employment Security adopted a policy that workers of reasonable diligence must realize a minimum of 50 cents an hour or the piece rate must be adjusted to assure this.

This does not, however, set an absolute minimum wage, since 10 percent of the workers, who are presumed to be less diligent than others, may earn less than 50 cents an hour. Adjustment of piece rates to eliminate unsatisfactory earnings has been generally accomplished through negotiation with growers.

D. CONDITIONS OF EMPLOYMENT

One of the reasons that shortages of labor cannot always be filled by American workers is that conditions of employment are less satisfactory than those offered foreign workers. Contract guarantees give Mexican workers a number of advantages; the principal ones are provided by the international agreement listed below.

1. Transportation: Transportation from migration centers in the interior of Mexico to the border, as well as subsistence en route, is paid from a revolving fund to which employers contribute. Employers also arrange for transportation of braceros from the border to to worksite. When the employer provides a bus or truck to pick up the worker at reception centers, the vehicle must meet rigid standards. Return transportation from the work area to the worker's home in Mexico is also the employer's responsibility.

Domestic migratory workers generally pay their own transportation to and from work areas. Employers frequently advance partial transportation costs, reimbursing themselves through payroll deductions. In some instances employers will offer return transportation to workers who remain until the end of the season. Domestic migrants are usually transported by crew leaders whose trucks are subject to ICC regulations if State lines are crossed. Many now travel in their own cars or by public transportation.

2. Work guarantee: The Mexican-worker contract guarantees the worker the opportunity to work on at least three-fourths of the work days in the contract period, which is usually for a minimum of 6 weeks. If the employer does not provide the guaranteed number of days of employment, the worker is paid the amount he would have earned had he worked. Under the contract, workers who are offered employment for less than 64 hours in any 2-week period, are entitled to subsistence, consisting of 3 meals per day or cash equivalent, for each 8 hours less than 64. Domestic workers generally have no contract, work guarantee, or subsistence allowance.

3. Housing: Foreign workers are provided free housing which must meet minimum standards of sanitation, space, cleanliness, etc., prescribed by the Bureau of Employment Security. Blankets and bedding must be provided, as well as cooking facilities separate from sleeping quarters in camps which do not have central feeding facilities.

Housing for domestic workers varies greatly as to type and quality. Typically, migrants carry their own bedding and cooking facilities. They are housed in small cabins or in rooms in partitioned barracks, either on the employer's farms or in public camps. Many seek out rooms in small towns in rural areas. Migratory worker housing is subject to standards and inspection in States with farm labor camp codes. About half the States, including Arizona,

California, and New Mexico, which employ large numbers of foreign workers, have laws or regulations that apply to farm labor camps, ranging from very limited to comprehensive regulations. Even in States with codes, inspection is limited or virtually impossible because of inadequate staff. Texas and Michigan are outstanding examples of States with high employment of domestic migrants and foreign workers without States codes, although local health ordinances may apply. To some extent the foreign-worker program has helped to improve standards of housing for domestic workers. Employers of Mexicans who also employ domestic workers often provide equivalent housing conditions for both.

4. Wage guarantee: Mexican-worker contracts specify a minimum wage based on the prevailing wage in the area of employment ascertained by the local employment office. If the prevailing wage is found, on the basis of surveys, to be higher than the contract minimum, the worker must be paid the higher wage. If paid on a piece-rate, the contract guarantees the worker at least \$2 a day for the first 48 hours of employment while he is learning.

Domestic agricultural workers are not protected by a contract minimum. The wage and hour provisions of the Fair Labor Standards Act do not cover agriculture. None of the State minimum-wage laws, except in Alaska, Hawaii, and Puerto Rico, apply to all agricultural workers.

5. Insurance: Employers of Mexican workers are required to provide insurance or establish sufficient financial responsibility to cover major occupational risks. They are obligated to pay all expenses for hospital, medical, and surgical attention and other similar services necessitated by occupational injury or disease. They must also pay for the workers' subsistence during days the workers are unable to work because of illness or injury. Employers of Mexican nationals also carry nonoccupational insurance for their workers, the cost of which is paid by deductions from wages.

Domestic workers are not protected by occupational insurance except to the extent that they are covered by workmen's compensation laws. Only Ohio and California have compulsory coverage of farmworkers. In certain other States (including Arizona), farmworkers engaged in mechanized occupations are covered.

6. Performance guarantee: The U.S. Government guarantees the performance by employers of the provisions of the Mexican's work contract relating to wages and transportation. The workers may also contact the Mexican consul with respect to contract provisions, and they may elect their own representatives as spokesmen in dealing with employers.

Unemployed domestic workers may contact the local employment office for preference in employment in cases where Mexican workers are employed. They have no protection regarding wages or working conditions except in three States which have wage collection laws which apply to agriculture. The California and Massachusetts laws apply specifically to farmworkers; Minnesota's to "transient" labor. Generally, domestic workers are not organized in unions. A crew leader may act as spokesman for workers or as intermediary between workers and employers.

E. RECRUITMENT AND AVAILABILITY OF DOMESTIC WORKERS

1. Recruitment efforts: Section 503(3) provides that reasonable efforts must be made to attract domestic workers at wages and standards of work comparable to those offered to foreign workers as a condition for recruiting foreign labor.

Bureau of Employment Security procedures require employers seeking foreign workers to file orders which are treated as requests for domestic workers. They are

circulated in interstate clearance, but generally are not filled, presumably because workers are needed in supply States at the same time. The number of foreign workers authorized and the prevailing wage must be posted in public places. If, during the contract period, qualified domestic workers become available for jobs held by Mexican workers, the employment office has the responsibility to refer them to employers using foreign workers, and the employer is obligated to employ them.

It is the Bureau's policy to require employers of foreign labor to participate in efforts to obtain domestic workers. There is evidence, however, that many users of foreign workers do not make as great an effort as those who rely on domestic workers. Employers successful in recruiting domestic workers offer competitive wages, housing suitable for family groups, participate in dayhaul, youth programs and other local recruitment efforts. Many of them send agents to supply States to participate with the employment service in positive recruitment efforts. They try to make preseason arrangements with crew leaders through the annual worker plan.

On the other hand, some employers of foreign labor make only token efforts to cooperate in obtaining domestic workers. For example, in one of the major agricultural areas, more than 80 percent of the workers engaged in harvesting tomatoes—generally a popular crop for domestic workers—are foreign, while in the same area only about 6 percent of the workers in other crops are foreign. Evidently, employers in the tomato crop are substantially withdrawn from the domestic labor market. In many instances, housing is built only for single males which deters use of domestic workers who are in family groups. Artificial shortages may exist in these areas because of unsuitable housing facilities.

Studies of the Department of Labor have shown that wage rates paid to domestic workers by farmers who use Mexicans are generally lower than those paid by nonusers for comparable work in the same area. This indicates that employers of foreign labor frequently do not make the same effort as other employers in competing for domestic farmworkers.

2. Wage payment to domestic workers: In carrying out the provisions of section 503(3) of Public Law 78, the Bureau of Employment Security requires users of Mexican workers to offer the same wages to domestic as to foreign workers. However, domestic workers who are employed at a lower wage prior to the time Mexican workers are recruited do not necessarily receive an increase when higher paid Mexicans arrive on the job. Reports from some areas show American workers being paid 35 cents and 40 cents per hour for chopping cotton on the same farms where Mexicans receive the contract minimum of 50 cents an hour.

Mr. McCARTHY. Mr. President, many who are concerned about the problem of migratory workers believe that Public Law 78 should be terminated. The arguments in favor of this are strong. As the same time the program has been in effect for 9 years and many growers have come to rely upon it, and a case can be made for extending the program for 2 more years, provided amendments are made to enable the Secretary of Labor to protect the rights of domestic workers. This is the position taken by the consultants. They state in their recommendations:

The arguments for and against the renewal of Public Law 78 are not entirely conclusive. As a practical judgment, how-

ever, the committee has concluded that, on balance, the case in favor of renewing Public Law 78 on a temporary basis is more conclusive than the arguments against its renewal. * * * The committee's support of a temporary renewal of Public Law 78 is conditioned on its being substantially amended so as to prevent adverse effect, ensure utilization of the domestic work force, and limit the use of Mexicans to unskilled seasonal jobs.

This bill incorporates many of the recommendations of the consultants' report. It provides that the use of Mexican nationals shall be confined to seasonal employment or employment requiring no specialized skills. It permits the Secretary of Labor to establish specific criteria for judging whether the employment of Mexican nationals in the United States is adversely affecting the wages, employment opportunities, or working conditions of domestic workers similarly employed. It provides that no workers recruited under this program shall be made available to an employer unless the U.S. agricultural workers employed by such employer are paid at wage rates not less favorable than those required to be offered to Mexican workers. The bill also extends the program for 2 years, until June 30, 1963. This will permit the Congress to observe the operation of the program when it contains proper safeguards for domestic workers and then to determine whether the program is needed or justified.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD and that the bill lie on the table until June 17 in order that other Members who wish to cosponsor it may have the opportunity to do so.

The PRESIDING OFFICER (Mr. McGEE in the chair). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and held at the desk, as requested by the Senator from Minnesota.

The bill (S. 3666) to amend title V of the Agricultural Act of 1949, as amended, to provide protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes, introduced by Mr. McCARTHY, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 501 of the Agricultural Act of 1949, as amended, is amended by deleting the first paragraph and substituting therefor the following:

"SEC. 501. The Secretary of Labor is authorized to determine whether and to what extent it is necessary to augment the agricultural labor force in the United States by supplying workers from the Republic of Mexico. Such workers shall be supplied pursuant to arrangements between the United States and the Republic of Mexico only if the Secretary certifies that (A) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which foreign workers are to be employed, (B) the employment of such for-

eign workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed, and (C) reasonable efforts have been made to attract domestic workers for such employment, including independent and direct recruitment by the employer requesting foreign workers, at terms and conditions of employment comparable to those offered to foreign workers. No workers shall be supplied pursuant to the provisions of this title except for seasonal employment or employment requiring no specialized skills.

"In carrying out the provisions of this title, the Secretary is authorized—"

(b) Section 501 of such Act is further amended by renumbering paragraphs (2), (3), (4), (5), and (6) as paragraphs (4), (5), (6), (7), and (8) respectively, and inserting after paragraph (1) the following new paragraphs:

"(2) to fix the ratio of agricultural workers from the Republic of Mexico to domestic agricultural workers which may be employed by any employer, when necessary to assure active competition for the available supply of United States agricultural workers;

"(3) to establish specific criteria for judging whether the employment of Mexican agricultural workers in the United States is adversely affecting or will adversely affect the wages, working conditions, or employment opportunities of domestic workers similarly employed. Such criteria shall include but shall not be limited to (a) failure of wages and earnings in activities and areas using Mexicans to advance with wage increases generally; (b) the relationship between Mexican employment trends and wage trends in areas using Mexican workers; (c) differences in wage and earning levels of workers on farms using Mexican labor compared with nonusers;"

(c) Section 501 of such Act is further amended by substituting the words "paragraph (5)" for the words "paragraph (3)" where they appear in paragraph (6), as so redesignated by subsection (b) of this section.

SEC. 2. Section 502(3) of such Act is amended by substituting the words "section 501(6)" for the words "section 501(5)" therein.

SEC. 3. Section 503 of such Act is amended to read as follows:

"SEC. 503. No workers recruited under this title shall be made available to any employer unless the United States agricultural workers employed by such employer are paid at wage rates not less favorable than those required to be offered to Mexican workers."

SEC. 4. Section 506 of such Act is amended by deleting the word "and" at the end of paragraph (2), striking the period at the end of paragraph (3), and inserting in lieu thereof the following: "; and", and by adding at the end thereof the following new paragraph:

"(4) issue such rules and regulations as may be necessary to carry out the provisions of this title."

SEC. 5. Section 509 of such Act, as amended, is amended by striking "June 30, 1961" and inserting, "June 30, 1963."

FOREIGN COMPETITION WITH AMERICAN INDUSTRY

Mr. DIRKSEN. Mr. President, one of the growing challenges of our time is the increasing competition of foreign-made goods in the American market. The fact is so self-evident that it requires no special laboring on my part. The problem which it presents is at once very difficult and urgent.

The reasons for the growing invasion of the American market are many, and

they would include advantageous wage rates, the use of American industrial technology, which we have so freely exported, Government aid to producers abroad in the form of larger depreciation allowances, export aids, and so forth. Then, of course, there is the lure of a very lush American market. This is a dilemma the solution of which presents a real problem.

Obviously we cannot well urge the lifting of quotas on trade restrictions abroad by other countries and then, in the same breath, urge similar restrictions on our own market.

Another question is, How shall we harmonize the interest of industries which have a heavy business abroad with the interest of those that operate in the domestic market and are the victims, really, of the heavy foreign competition?

The real answer may be found not in any excessive action on our part, but, rather, in a trade policy which in some measure equalizes the disadvantages under which U.S. producers now operate.

I think ascertaining that answer would require a clear and completely objective study and survey of the whole problem by very skilled and competent persons, mainly outside of government, who have a varied stake in the problem. To that end, I have suggested to the administration, and I have discussed on a number of occasions with the President, and also with my colleagues in the Policy Committee, the feasibility of creating a well-staffed, well-financed, high-level commission which, in its composition, would include representatives of industry, labor, agriculture, Government, trade, and the public generally, to make this kind of an overall study and to report to the Congress not later than July 31, 1961.

There would be no point at this time in particularizing and going into individual cases, although many can be cited; but I think it is pretty generally agreed that this is one of the real, growing challenges in our country that merits a good deal more attention than it has received thus far.

There are, of course, those who are quite unhappy about what the Government has done in this field, and they feel also, I think, that under the operations of the Reciprocal Trade Agreements Act, they do not always get the adequate attention to the problems with which they as industries are confronted.

If we had this kind of a study made mainly by persons outside of Government who have competence, stature, and skill in the field, and they are given sufficient money with which to do the job and are given some latitude and authority to engage the best and most competent staff members they can find, I believe that out of such a survey there would come sweet fruit.

To that end I have prepared a joint resolution, which, I now introduce for appropriate reference. I ask that during the remainder of the day and tomorrow, the joint resolution be permitted to lie on the desk for the purpose of having those Senators who may wish to join as cosponsors do so.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will lie on the desk as requested.

The joint resolution (S.J. Res. 208) to provide for a commission to study and report on the influence of foreign trade upon business and industrial expansion in the United States, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JAVITS. This is a subject of tremendously absorbing interest to me, to my State, and, I think, to the United States. I merely would like to add to the statement of the Senator from Illinois, which, in his usual vein, is so informative and eloquent, the other side of the coin. There are enormous industries in our country interested in exports. We shall probably have, this year, a \$3 billion export surplus.

There is also a growing feeling on the part of certain industries adversely affected by imports which could seriously affect both legislative policy and executive department policy on the whole matter of foreign trade. Also, we are going into critical negotiations on the General Agreement on Tariffs and Trade, which will be opening at the very start of 1961.

This question involves also the financial situation of the United States and, indeed, whether the dollar will sell at par, because it involves the international balance of payments of the United States.

So the question is important not only from the point of view of the manufacturer or businessman in this country who feels himself adversely affected by imports and not sufficiently protected under the existing escape clause and peril point procedures available to him under the Reciprocal Trade Agreements Act, but it also affects an impressive body of people in this country who believe in foreign trade, and in its exemption, and in the need for the United States to expand materially its export markets. It concerns the millions of persons engaged in industries so affected.

From both standpoints, I believe the Senator's proposal is of tremendous interest. I know of the Senator's interest in the problem. I shall read the joint resolution carefully. I have little doubt that I shall join in cosponsorship. Both from the standpoint of those who are in favor of greater foreign trade and those who think they are entitled to something more in the way of protectionism, this is an extremely vital exercise on the part of the United States to develop a solution in this part of its foreign policy, in view of its peace leadership.

Mr. DIRKSEN. Mr. President, I appreciate the observations of the distinguished Senator from New York. I wish to make it clear, so that there will be no misconstruction about the introduction of the joint resolution, it should

not be inferred that very abruptly all of our obligations under treaties, under existing law, or in the field of foreign trade, should be suspended. Those must go along normally, as they always have. Not until we adduce the results of an objective study of the kind proposed will we have a real foundation upon which to work.

I add one observation: Very often our information is rather fragmentary. For instance, if a petition is filed with the U.S. Tariff Commission for the purpose of obtaining relief, when an industry alleges it has been hurt or damaged as the result of foreign competition, we get only that little package at one time, and nothing else. There are so many interrelationships in this field that we cannot well afford to have a fragmentary study and consider that as a good, sound predicate upon which to possible build some legislation. I think the kind of Commission suggested would fill that need.

Mr. JAVITS. Mr. President, I agree with my colleague. I am delighted he has taken this position.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to the junior Senator from New York.

Mr. KEATING. Mr. President, as the Senator knows, this subject has engaged my attention and study for a long time. There are thousands and thousands of jobs and workers involved in this very serious and complicated problem. Those are jobs not only of those who work in plants which have been adversely affected by imports, particularly from countries with extremely low wage levels, but also the jobs of people who are engaged in the export trade.

I have always been a supporter of the Reciprocal Trade Agreements Act. I am not prepared to change my position in this regard, but at the same time I think we must face up to the changes which have occurred in our country and throughout the world from the time when this act was originally passed. Specific situations which are relevant here are brought to our attention every day.

I am sure that a study along the lines which the Senator from Illinois proposes would be extremely helpful in enabling the Senate to develop some long-term resolution of this problem. I have a feeling that we might at the present time take a modest or moderate step to revise and update our various trade laws.

Perhaps a study should precede any step in this direction. I am sure of one thing. We must face up to the fact that we are going to have increasing pressures in favor of doing away with or seriously modifying the Trade Agreements Act. This, in my judgment, would be regrettable. What is needed is moderate and realistic action to revise the relevant statutes so that, within the existing structure of our Trade Agreements Act, a better balance will be struck between our foreign and domestic economic policies and so that a few select American industries will not bear the full burden of increased foreign competition.

86TH CONGRESS
2D SESSION

H. R. 12759

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 1960

Mr. SISK introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend title V of the Agricultural Act of 1949, as amended,
and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 509 of such Act, as amended, is amended by
4 striking "June 30, 1961" and inserting "June 30, 1963".

80TH CONGRESS
2D Session

H. R. 12759

A BILL

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

By Mr. SISK

JUNE 21, 1960

Referred to the Committee on Agriculture

Digest of CONGRESSIONAL PROCEEDINGS

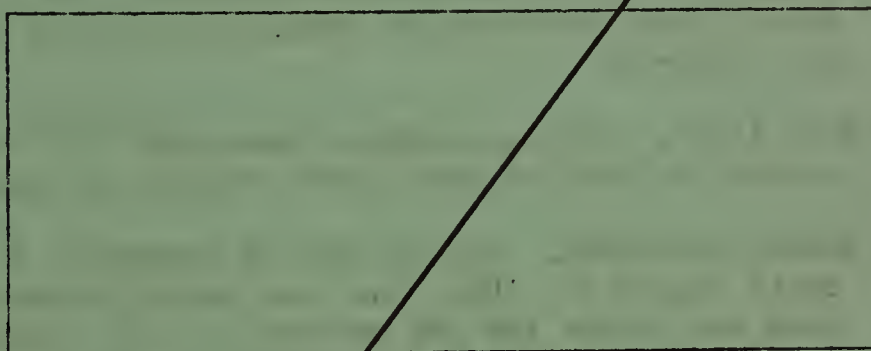
OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

CONTENTS
(See page 6)

Issued June 23, 1960
For actions of June 22, 1960
66th-2d, No. 115



HIGHLIGHTS: House debated Poage farm bill. House committee reported bill to extend Mexican farm labor program. House passed bill for temporary exemptions from humane slaughter regulations. House committee reported bill to raise minimum wage level. Senate passed: Independent offices appropriation bill; general Government matters appropriation bill. Senate committee reported bill to accelerate reforestation. Sen. Humphrey criticized administration's farm program. Sen. Murray submitted and discussed measure to establish World Food Bank. Rep. Wolf introduced and discussed feed grains bill.

HOUSE

1. FARM PROGRAM. Continued debate on H. R. 12261, the Poage farm bill (pp. 12827-49). Agreed to, 68 to 23, an amendment by Rep. Andersen, as amended by an amendment by Rep. Wolf, to strike out title II of the bill relating to feed grains and inserted the language of his green acres proposal (H. R. 12000) to require, after approval in a nationwide referendum, that feed grain producers place 20 percent of their cropland in grass, hay, or pasture, to provide for payment-in-kind out of Government surpluses to producers who agree to retire their farm land, and to provide price supports on feed grains at not less than 80 percent for the 1961 and 1962 crops, at not less than 85 percent for the 1963 and 1964 crops, and at 90 percent for the 1965 and subsequent crops (pp. 12844-49). Rep. Wolf's amendment to the amendment, agreed to by a vote of 61 to 29, provides feed grain price supports at not less than 80 percent for the 1961 and 1962 crops (rather than at not less than 75 percent)(pp. 12845-48). Rep. Andresen's amendment was a substitute amendment for an amendment proposed by Rep. Quie which he explained would have provided "that a farmer who reduced his feed grain acres by between 10 and 50 percent voluntarily would be able to receive payment in kind (pp. 12843-49).

Rejected the following amendments:

By Rep. Quie, 50 to 68, to permit all wheat producers who would be subject to quota under subtitle A of the bill to vote in the wheat referendum on whether they desire to be under subtitle A or subtitle B. He explained that the effect of the proposed amendment "would allow about 70 percent of the wheat farmers to vote who are not allowed to vote under the present wording of the bill."
(pp. 12827-9)

By Rep. Thomson to strike out section 101 (the first of the sections relating to wheat) of the bill, stating that if this amendment was agreed to he would offer additional amendments to strike out all sections of the bill except the section providing for the elimination of acreage allotments on wheat. pp. 12829-32

By Rep. Laird to extend the conservation reserve program for 3 additional years, increase the authorization for a 65 million acre program, provide a payment in kind for wheat and feed grains under the program, limit payments under the program to \$7,500 to any one producer, and limit to 25 percent the amount of land in any community or county which could be devoted to the program. pp. 12832-43

2. FARM LABOR. The Agriculture Committee ^{reported} without amendment H. R. 12759, to extend the Mexican farm labor program (H. Rept. 1954). p. 12860
3. HUMANE SLAUGHTER. Passed with an amendment H. R. 12705, to extend for 60 days, until August 30, 1960, the time during which slaughterers and processors, who have contracted for the purchase of the equipment necessary to enable them to comply with the provisions of the Humane Slaughter Act, may have to comply with the provisions of the Act (p. 12826). The bill had been reported without amendment earlier by the Agriculture Committee (H. Rept. 1937)(pp.12859-60).
4. MINIMUM WAGE. The Education and Labor Committee reported without amendment H. R. 12677, to raise the minimum wage to \$1.25 an hour (H. Rept. 1933). p. 12859
5. PERSONNEL; RETIREMENT. Concurred in the Senate amendments to H. R. 8241, to amend the Civil Service Retirement Act relating to the reemployment of former Members of Congress in other Federal positions. This bill will now be sent to the President. pp. 12775-7
6. LANDS. The Interior and Insular Affairs Committee voted to report (but did not actually report) the following bills: (p. D595)
 - H. R. 10418, with amendment, to revise the boundaries of the Coronado National Memorial in Ariz.;
 - H. R. 11200, with amendment, to authorize the Secretary of the Interior to sell reserved mineral interests of the U. S. in Fla. to the record owners of the surface of the land;
 - H. R. 11957, with amendment, to facilitate the selection by Alaska of certain public lands under outstanding mineral lease or permit.
7. RADIOACTIVITY; TRANSPORTATION. The Judiciary Committee voted to report (but did not actually report) with amendment S. 1806, to revise the "Explosives and Combustibles" transportation chapter of the Criminal Code so as to include the transportation of radioactive materials and etiologic agents as an illegal act. p. D595
8. FARM-CITY WEEK. The "Daily Digest" states the Judiciary Committee "tabled H. J. Res. 758 and 759, identical bills, designating the week of November 18-24, 1960, as National Farm City Week." p. D596
9. FOREIGN AID. The Rules Committee granted an open rule with 2 hours debate on H. R. 11001, to provide for U. S. participation in the International Development Association. p. D596

FARM LABOR PROGRAM

JUNE 22, 1960.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the following

REPORT

[To accompany H.R. 12759]

The Committee on Agriculture, to whom was referred the bill (H.R. 12759) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

STATEMENT

This bill would extend for 2 years (until June 30, 1963), the act under which workers are brought into the United States from Mexico under the supervision of the Department of Labor, and pursuant to an international agreement with the Government of Mexico, to assist in seasonal farm operations in the United States.

This program has been in existence since 1951 with very slight modifications and has provided seasonal help to farmers without which many crops could not have been adequately harvested.

It has been customary in extending this act (usually for 2-year periods) to do so well in advance of the expiration date so that the operations both of Government agencies and of farmers can continue without disruption in the knowledge that authority would exist for the operation of this program.

REASONS FOR EXTENSION AT THIS TIME

The present act expires on June 30, 1961, in the midst of the most active season of many crops dependent upon labor provided under the program. Its extension before the adjournment of this Congress is essential for numerous reasons:

Extension of the act now will permit the Department of Labor to carry out its usual and normal budgetary process in anticipation of operations in the fiscal year beginning July 1, 1961. It will also

permit the Department to continue without interruption or fear of job termination its supervisory and administrative personnel working on this program.

It will permit farmers who will be making their 1961 production plans late this year to go ahead with those plans and to obtain financing, where necessary, with assurance that labor to harvest their crops will be available. In many instances adequate financing would be impossible to obtain without this assurance.

It will permit negotiation well in advance of the new crop year of any amendments or changes in the agreement with Mexico which may appear to be desirable.

Furthermore, it will permit consideration in the next Congress in an unhurried manner and without the pressure of having to legislate against the deadline of an expiring act any changes in the law which the Department of Agriculture and the Department of Labor may propose. At hearings held on this subject during this session of Congress, these Departments indicated that they were studying this subject and intended to submit to Congress certain proposals for amending the law, but that they were not in a position to make these proposals at this session of Congress.

Assurance that the act is to be extended for another 2 years will be the most effective deterrent to the illegal migration of Mexicans into the United States for the purpose of obtaining agricultural employment. The record is clear that the orderly labor program carried out under the authority of this act has virtually eliminated the wetback situation with all of its accompanying evils and problems.

HEARINGS

At hearings on the numerous bills on this subject which were referred to the committee, the general farm organizations and numerous commodity groups of farmers were unanimous in their request that the act be extended.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

[Public Law 78, 82d Cong., as amended]

AN ACT To amend the Agricultural Act of 1949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Act of 1949 is amended by adding at the end thereof a new title to read as follows:

TITLE V—AGRICULTURAL WORKERS

* * * * *

SEC. 509. No workers will be made available under this title for employment after [June 30, 1961.] *June 30, 1963.*

Union Calendar No. 859

86TH CONGRESS
2^D SESSION

H. R. 12759

[Report No. 1954]

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 1960

Mr. SISK introduced the following bill; which was referred to the Committee on Agriculture

JUNE 22, 1960

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 509 of such Act, as amended, is amended by
4 striking "June 30, 1961" and inserting "June 30, 1963".

86TH CONGRESS
2D Session

H. R. 12759

[Report No. 1954]

A BILL

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

By Mr. Sisk

JUNE 21, 1960

Referred to the Committee on Agriculture

JUNE 22, 1960

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

Issued June 27, 1960

For actions of June 24 and

June 25, 1960

86th-2d, Nos. 117 and 118

CONTENTS

Acresage allotments.....	3,43		
Adjournment.....	42,54		
Agricultural attaches....	2		
Air pollution.....	21		
Animal imports.....	4		
Appropriations....	17,29,51		
Banking.....	25		
Budget.....	56,65		
Casein.....	47		
Contracts.....	9		
Depressed areas.....	19,64		
Education.....	35		
Expenditures.....	56		
Extension work.....	6		
Farm labor.....	1,37,58		
Farm program.....	40,60		
Finance.....	25		
Flood control.....	14		
Food additives.....	40,44		
Food for peace.....	57		
Food prices.....	55		
Foreign affairs.....	53		
Forest roads.....	23		
Forestry.....	17,23,39		
Fruits and nuts.....	16A		
Hazardous substances....	5		
Hawaii.....	26		
Household effects.....	49		
Housing.....	38		
Item veto.....	59		
International dam.....	11,34		
Land grant colleges....	35		
Lands.....	16,16A,27		
Legislative program....	41		
Marketing.....	5		
Meat inspection.....	40		
Military construction..	29		
Milk sanitation.....	40		
Minerals.....	50		
Natural resources.....	39		
Per diem.....	18		
Personnel.....	2,7,49		
Pesticides.....	16A		
Property.....	6,16A,32		
Public debt.....	15,52,65		
Public works.....	31		
Radioactivity.....	12		
Recreation.....	16A,22		
Research.....	16A,33		
Retirement.....	7,16A,41		
Ryukyu Islands.....	24		
Saline water.....	33,62		
Small business.....	36		
Sugar.....	8,20,63		
Surplus grain.....	13		
Taxation.....	15		
Territories.....	61		
Trademarks.....	30		
Transportation..	7,10,12,28		
Travel costs.....	7		
Veterans' loans.....	41,48		
Water resources.....	11,34		
Wheat.....	45		
Wilderness.....	17		
Wildlife.....	13,16A		
Wool.....	46		

HIGHLIGHTS: House Rules Committee cleared bill to extend Mexican farm labor program. House passed over agricultural attache assignment bill. Sen. Douglas criticized Administration's depressed areas bill. Several Senators urged reduction in Cuban sugar quotas. Senate passed measure to accelerate reforestation programs. Senate committee reported bill to increase per diem travel allowance. House passed bill on use of color additives in food.

HOUSE - June 24

1. FARM LABOR. - The Rules Committee reported a resolution for consideration of H. R. 12759, to extend the Mexican farm labor program for 2 years, until June 30, 1963 (p. 13266). The report of the Agriculture Committee states that a 2-year extension of the program "will permit consideration in the next Congress in an unhurried manner and without the pressure of having to legislate against the deadline of an expiring act any changes in the law which the Department of Agriculture and the Department of Labor may propose. At hearings held on this subject during this session of Congress, these Departments indicated that they were studying this subject and intended to submit to Congress certain proposals for amending the law, but that they were not in a position to make these proposals at this session of Congress."

2. AGRICULTURAL ATTACHES; PERSONNEL. Passed over without prejudice, at the request of Rep. Gross, H. R. 8074, to permit the assignment of agricultural attaches to positions in the U. S. for a maximum of four years without reduction in grade. p. 13185
3. ACREAGE ALLOTMENTS. Passed without amendment H. R. 12420, to provide a uniform law for the remeasurement of farm acreage allotments when such remeasurement is requested by a farm operator, and to provide uniform conditions under which the operator pays for such remeasurement. p. 13206
4. ANIMAL IMPORTS. Passed as reported H. R. 10598, to amend and clarify certain provisions of the Criminal Code so as to reduce the hazards arising from the importation of injurious wild animals, to curtail traffic in such species, and to define types of wild animals and methods of transportation to which the code applies. p. 13196
5. MARKETING; HAZARDOUS SUBSTANCES. Passed with amendments S. 1283, to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use. pp. 13198-202
6. PROPERTY. Passed without amendment S. 1018, to direct the Postmaster General and the Administrator of GSA to transfer certain personal property to State and county agencies engaged in cooperative agricultural extension work. A similar bill, H. R. 9600, was tabled. (p. 13202) This bill will now be sent to the President.
Passed without amendment H. R. 11499, to amend the Federal Property and Administrative Services Act so as to authorize the use of surplus personal property by State distribution agencies. p. 13202
7. PERSONNEL. Passed without amendment S. 3485, to amend section 7 of the Administrative Expenses Act of 1946 so as to provide for the payment of travel and transportation cost for persons selected for appointment to positions in the U. S. for which the Civil Service Commission determines there is a manpower shortage. A similar bill, H. R. 12273, was tabled. (pp. 13202-3). This bill will now be sent to the President.
Passed as reported H. R. 7810, to credit periods of internment during World War II to certain Federal employees of Japanese ancestry for purposes of retirement and leave. p. 13204
The Post Office and Civil Service Committee reported without amendment H. R. 12336, to amend the Classification Act of 1949 so as to preserve the basic compensation of employees in certain downgrading actions (H. Rept. 1979). p. 13266
The Post Office and Civil Service Committee reported with amendment H. R. 543, to amend the Classification Act of 1949 so as to provide a formula for guaranteeing a minimum increase in salary when an employee is promoted from one grade to another (H. Rept. 1981). p. 13266
Rep. Hoffman criticized "Mr. Doherty who represents Federal employees" for reports that he "threatens to bring his pressure group to fill the gallery and our offices in Washington to intimidate us ... to override a veto of the pay bill should the President veto it." pp. 13251-2
8. SUGAR. The "Daily Digest" states that the Agriculture committee met "on proposed sugar legislation but made no announcements." p. D611
9. CONTRACTS. Passed with amendment S. 3487, to amend the Anti-Kickback Act so as to extend it to all negotiated Government contracts. The act now only applies to

CONSIDERATION OF H.R. 12759

JUNE 24, 1960.—Referred to the House Calendar and ordered to be printed

Mr. TRIMBLE, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 569]

The Committee on Rules, having had under consideration House Resolution 569, report the same to the House with the recommendation that the resolution do pass.



House Calendar No. 256

86TH CONGRESS
2D SESSION

H. RES. 569

[Report No. 1989]

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 1960

Mr. TRIMBLE, from the Committee on Rules, reported the following resolution ;
which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution it
2 shall be in order to move that the House resolve itself into
3 the Committee of the Whole House on the State of the
4 Union for the consideration of the bill (H.R. 12759) to
5 amend title V of the Agricultural Act of 1949, as amended,
6 and for other purposes. After general debate, which shall
7 be confined to the bill, and shall continue not to exceed one
8 hour, to be equally divided and controlled by the chairman
9 and ranking minority member of the Committee on Agri-
10 culture, the bill shall be read for amendment under the five-
11 minute rule. At the conclusion of the consideration of the
12 bill for amendment, the Committee shall rise and report the

1 bill to the House with such amendments as may have been
2 adopted, and the previous question shall be considered as
3 ordered on the bill and amendments thereto to final passage
4 without intervening motion except one motion to recommit.

House Calendar No. 256

86TH CONGRESS
2D SESSION

H. RES. 569

[Report No. 1989]

RESOLUTION

Providing for the consideration of H.R. 12759,
a bill to amend title V of the Agricultural
Act of 1949, as amended, and for other pur-
poses.

By Mr. TRIMBLE

JUNE 24, 1960

Referred to the House Calendar and ordered to be
printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

Issued June 29, 1960
For actions of June 23, 1960
86th-2d, No. 120

CONTENTS

Access roads.....	9,14		
Acreage allotments.....	50		
Air pollution.....	21		
Appropriations.....	3,12		
Banking.....	26		
CCC.....	48		
Centennial celebration.....	28		
Common carriers.....	28		
Cotton.....	38		
Debt limit.....	27		
Defense production.....	2		
Depressed areas.....	4,51		
Education.....	45		
Electrification.....	37		
Employment.....	45		
Farm labor.....	1		
Farm program.....	31,36		
Flood control.....	8		
Food for peace.....	28		
Food stamp.....	28		
Foreign affairs.....	4		
Foreign aid.....	39,43		
Forestry.....	23		
Freight forwarders.....	28		
Fruits.....	24		
Futures trading.....	41		
Grains.....	48		
Hardwood.....	28		
Hawaii.....	17		
Housing.....	10		
Imports.....	38		
Labor standards.....	49		
Lands.....	9,14,28,44		
Loans.....	28		
Marketing.....	30		
Military construction.....	3		
Milk.....	28		
Minerals.....	9		
Minimum wage.....	7		
Nominations.....	13		
Onions.....	41		
Per diem.....	28		
Personnel.....	6,15,28,34,47		
Pesticides.....	42		
Postal service.....	33		
Property.....	18		
Public works.....	20		
Radio spectrum.....	46		
Recreation.....	22		
Reorganization.....	28		
Roads.....	9,14,32		
Ryukyu Islands.....	25		
Soil bank.....	50		
Sugar.....	11		
Taxation.....	27		
Textiles.....	29		
Trademarks.....	19		
U. S. obligations.....	26		
Veterans' benefits.....	16		
Water resources.....	40		
Weather.....	5		
Wheat.....	36		
Wildlife.....	35		

HIGHLIGHTS: House debated bill to extend Mexican farm labor program. House concurred in Senate amendment to bill to extend Defense Production Act. House Rules Committee cleared bill to amend Fair Labor Standards Act. Sen. Yarborough urged reduction in Cuban sugar quota. Senate received nomination of Carl J. Stephens to be USDA General Counsel.

HOUSE

1. FARM LABOR. Began debate on H. R. 12759, to extend the Mexican farm labor program for 2 years, until June 30, 1963 (pp. 13740-50). The "Daily Digest" states that further action on the bill was deferred until Wed., June 29 (p. D628).

Rep. Lane urged enactment of legislation to provide for a reduction in the importation of Mexican contract labor over a 5-year period, calling this program a "cruel exploitation of labor." p. 13751

2. DEFENSE PRODUCTION. Agreed to the Senate amendment to H. R. 12052, to extend for 2 years the Defense Production Act. (p. 13699) This bill will now be sent to the President.

3. MILITARY CONSTRUCTION. Disagreed to the Senate amendments to H. R. 12231, the military construction appropriation bill for 1961, and House conferees were

appointed (p. 13704). Senate conferees have already been appointed.

4. FOREIGN AFFAIRS. Debated H. R. 11001, to provide for the participation of the U. S. in the International Development Association (pp. 13710-12, 13712-33). Under a unanimous-consent agreement the vote on passage of the bill was deferred until Wed., June 29 (p. 13733). Rejected, by a vote of 48 to 61, an amendment by Rep. Gross to make depressed areas in the U. S. eligible for loans under this program (p. 13730).
5. WEATHER. Both Houses received from the President the "First Annual Report on Weather Modification (for fiscal year 1959)" (H. Doc. 438). pp. 13595, 13712
6. PERSONNEL. Regarding pay increase legislation for classified employees, Rep. Lesinski stated "the pay increases to classified and postal employees of the Federal Government have been much less than that granted to military personnel," and "I find it most difficult to understand why the administration is now opposed to a pay increase for the other half of the Federal Government personnel." pp. 13764-5
7. MINIMUM WAGE. The Rules Committee reported a rule for the consideration of H. R. 12677, to increase the minimum wage to \$1.25 and to extend the coverage under the Fair Labor Standards Act. p. 13770
Rep. Roosevelt inserted a section-by-section analysis of the minimum wage bill above. pp. 13754-6
8. FLOOD CONTROL. Rep. Clark stated that he was "dismayed at the length of time it has taken to get action" on the omnibus rivers and harbors and flood control bill, and "the fact that it now faces a possible Presidential veto." He urged conferees to report a bill which will be approved by the President. pp. 13761-2
9. LANDS. The Interior and Insular Affairs Committee reported with amendment H. R. 10418, to revise the boundaries of the Coronado National Memorial and to authorize the repair and maintenance of an access road thereto (H. Rept. 2022), with amendment H. R. 11200, to authorize the Secretary of the Interior to sell reserved mineral interests of the U. S. in lands located in the State of Florida to the record owners of the surface (H. Rept. 2024), and, with amendment H. R. 11957, to facilitate the selection by Alaska, pursuant to the Act of July 7, 1958, of certain public lands under outstanding mineral lease or permit (H. Rept. 2017). p. 13770
10. HOUSING. The "Daily Digest" states that the Rules Committee denied a rule on H. R. 12603, the omnibus housing bill. p. D629

SENATE

11. SUGAR. Sen. Yarborough discussed Cuban-American relations, and urged "the administration to take firm steps to allocate more of the American sugar quota to the American farmer and to establish new quotas which will not to a substantial degree leave supply of this vital commodity" to the actions of the Cuban Government. pp. 13664-5
12. LEGISLATIVE BRANCH APPROPRIATION BILL, 1961. Agreed to a motion by Sen. Stennis to insist on the two remaining Senate amendments in disagreement on this bill, H. R. 12232. Conferees were appointed on the two amendments in disagreement. p. 13678

thereof, and (2) by striking out "three" in the first sentence and inserting "four" in lieu thereof.

SEC. 6. The Act of February 26, 1881, entitled "An Act defining the verification of returns of national banks" (12 U.S.C. 162) is repealed.

SEC. 7. The amendments made by this Act shall take effect on January 1, 1961, except that the certified statements covering the semiannual period ending December 31, 1960, and the determination and payment of assessments (for the semiannual period ending June 30, 1961) required to be certified in such statements, shall be made as if such amendments were not in effect.

Mr. SPENCE (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendment: Page 7, line 2, after "trustees," insert "with the declaration that the report has been examined by them and to the best of their knowledge and belief is true and correct."

Committee amendment: Page 17, line 19, insert "with the declaration that the report has been examined by them and to the best of their knowledge and belief is true and correct."

The committee amendments were agreed to.

Mr. VANIK. Mr. Chairman, I move to strike out the last word.

(Mr. VANIK asked and was given permission to revise and extend his remarks.)

Mr. VANIK. Mr. Chairman, I want to take this opportunity to join my colleague, the gentleman from Texas, the Honorable WRIGHT PATMAN, in opposing the Federal Deposit Insurance Act of 1960. This legislation alleges to provide a simpler method of determining assessments under the Federal Deposit Insurance Act. With this phase of the legislation I have no objection. However, I am unalterably opposed to a reduction of premium payments and a consequent reduction of the insurance reserve fund which would result if this proposal is enacted into law.

Although the present balance in the insurance fund approximates \$2.1 billion, this sum is only one-twelfth of 1 percent of the total deposits.

Under the circumstances which existed until recent years, this insurance reserve would have been completely adequate. However, since 1945, while the cash and reserves of this Nation's banks have only increased by \$9 billion, their holdings of U.S. Government securities have declined by over \$35 billions. At the same time, total deposits have increased by \$80 billion.

Thus, while total bank liquidity has been reduced by the \$35 billion sell-off in Government securities, the insurance liability on bank deposits for all banks has increased to the sum of \$80 billion.

Since 1945 total deposits in all banks have increased from \$166 billion to \$250 billion and during this period the liquidity ratio of all banks has declined

from 83 percent in 1945 to 45 percent on September 30, 1959.

The decreasing liquidity of our banking system promises a serious crisis unless this trend is reversed.

Since the banks covered and insured by the Federal Deposit Insurance Act, as well as the institutions insured under the Federal Savings and Loan Insurance Act, adopted a course of shrinking their holdings of Government securities by \$35 billions and have used this capital for higher interest loans of all types, it seems to me that this is indeed a most inappropriate time for any of these institutions to be seeking a reduction of their insurance premium. Personally, I cannot assume the responsibility for supporting any legislation which in any way tends to reduce the insurance reserve fund upon which the depositors of America are making such a tremendous reliance.

The adoption of this legislation today is an action which contributes to irresponsibility in this area. Insofar as it reduces the insurance reserve funds, it is absolutely contrary to the best interests of the American people who must rely on banks for the security of their deposits.

I am vigorously opposed to this legislation.

Mr. SPENCE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I was a Member of the Congress when the Federal Deposit Insurance Corporation was created. I have always taken pride in my vote on that occasion. If there is one agency to which the people owe gratitude, which the people should respect, in which the people have confidence, it is the Federal Deposit Insurance Corporation. It was organized at a time of the greatest depression in America.

Mr. PATMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. SPENCE. I yield for a question.

Mr. PATMAN. It is a fact that the reason they have that confidence is because the Government of the United States is behind it, is it not?

Mr. SPENCE. No, not entirely; they have confidence in it because of the services it has rendered. That is what makes it good.

It has been charged that the FDIC is indebted to the Government for money which the Treasury and the Federal Reserve banks invested in the Corporation when it was formed. But the Corporation has not only repaid the principal amount invested, but also interest on that amount as required by law.

At the time FDIC was organized the banks, the railroads, and the insurance companies were collapsing like houses of cards. Then the Federal Deposit Insurance Corporation was created, and from that time on no man has ever lost a dollar of his insured account. What could be a finer service to the people than that?

The people have respect for FDIC and confidence in it. It is not a good policy to shake that confidence of the American people. It has encouraged thrift and saving because the people feel their funds are safe in the banks when they deposit them, and those funds will be

returned to them when they want them. I think that instead of criticizing the Federal Deposit Insurance Corporation we ought to bless those who had the vision and the foresight to create that organization. We ought to thank them for the service they have rendered. It would be a tragedy to do anything that would weaken the confidence people have in FDIC.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. THOMPSON of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12465) to provide for a simpler method of determining assessments under the Federal Deposit Insurance Act, and for other purposes, pursuant to House Resolution 573, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, H.R. 12465, and the bill passed earlier, H.R. 11001.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment, bills, a joint resolution, and a concurrent resolution of the House of the following titles:

H.R. 2584. An act for the relief of Gourgen H. Assaturian;

H.R. 2665. An act for the relief of Briccio Garces de Castro;

H.R. 2671. An act for the relief of Antonia Martinez;

H.R. 2823. An act for the relief of Fumie Yoshioka;

H.R. 3122. An act directing the Secretary of the Interior to issue a homestead patent to the heirs of Frank L. Wilhelm;

H.R. 3291. An act to amend title 10, United States Code, with respect to certain medals;

H.R. 3534. An act for the relief of Efranio Trupiano;

H.R. 3789. An act for the relief of Preciolita V. Corliss (nee Preciolita Valera);

H.R. 3805. An act for the relief of Religiosa Luigia Frizzo, Religiosa Vittoria Garzoni, Religiosa Maria Ramus, Religiosa Ines Ferrario, and Religiosa Roberta Ciccone;

H.R. 3923. An act to provide for the presentation of a medal to persons who have served as members of a U.S. expedition to Antarctica;

H.R. 4346. An act to amend the Bankruptcy Act to limit the use of false financial statements as a bar to discharge;

H.R. 4670. An act for the relief of Karnail Singh Mahal;

H.R. 5569. An act to amend title 10, United States Code, to authorize the award of certain medals within 2 years after a determination by the Secretary concerned that because of loss or inadvertence the recommendation was not processed;

H.R. 7726. An act to amend section 678 of the Bankruptcy Act (11 U.S.C. 1078) relating to the transmission of petitions, notices, orders, and other papers to the Secretary of the Treasury in chapter XIII proceedings;

H.R. 7932. An act for the relief of William E. Dulin;

H.R. 7965. An act to amend section 612 of title 38, United States Code, to authorize outpatient treatment incident to authorized hospital care for certain veterans;

H.R. 8212. An act to amend title 10, United States Code, with respect to the procedure for ordering certain members of the reserve components to active duty and the requirements for physical examination of members of the reserve components, and for other purposes;

H.R. 8253. An act for the relief of Pierre R. DeBroux;

H.R. 8740. An act to provide for the leasing of oil and gas interests in certain lands owned by the United States in the State of Texas;

H.R. 9142. An act to provide for payment for lands heretofore conveyed to the United States as a basis for lieu selections from the public domain, and for other purposes;

H.R. 9201. An act to validate certain mining claims in California;

H.R. 9541. An act to amend section 109(g) of the Federal Property and Administrative Services Act of 1949;

H.R. 9711. An act for the relief of Robert L. Stoermer;

H.R. 9751. An act for the relief of Mrs. Icile Helen Hinman;

H.R. 10021. An act providing a uniform law for the transfer of securities to and by fiduciaries in the District of Columbia;

H.R. 10068. An act to amend section 303 of the Career Compensation Act of 1949, to authorize travel and transportation allowances, and transportation of dependents and of baggage and household effects to the homes of their selection for certain members of the uniformed services, and for other purposes;

H.R. 11522. An act to amend the act of August 26, 1935, to permit certain real property of the United States to be conveyed to States, municipalities, and other political subdivisions for highway purposes;

H.R. 11787. An act to authorize a continuation of flight instruction for members of the Reserve Officers' Training Corps until August 1, 1964;

H.R. 12265. An act to amend title 10, United States Code, to authorize certain persons to administer oaths and to perform notarial acts for persons serving with, employed by, or accompanying the Armed Forces outside the United States;

H.R. 12346. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury;

H.R. 12570. An act to amend section 303(c) of the Career Compensation Act of 1949 by imposing certain limitations on the transportation of household effects;

H.J. Res. 627. Joint resolution to authorize appropriations incident to U.S. participation in the International Bureau for the Protection of Industrial Property; and

H. Con. Res. 691. Concurrent resolution authorizing the disposal of certain publications now stored in the folding room of the House of Representatives and the warehouse of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12381) entitled "An act to increase for 1 year period the public debt limit set forth in section 21 of the Second Liberty Bond Act and to extend for 1 year the existing corporate normal-tax rate and certain excise-tax rates."

MEXICAN FARM LABOR PROGRAM

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 569 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12759) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

(Mr. TRIMBLE asked and was given permission to revise and extend his remarks.)

Mr. TRIMBLE. Mr. Speaker, I yield myself such time as I may consume, and pending that I yield 30 minutes to the gentleman from Idaho [Mr. BUDGE].

Mr. Speaker, House Resolution 569 provides for the consideration of H.R. 12759, a bill to amend title V of the Agricultural Act of 1949, as amended, and for other purposes. The resolution provides for an open rule with 1 hour of general debate.

H.R. 12759 would extend the authorization of the Mexican farm labor program for an additional 2 years, until June 30, 1963.

It is the view of the Committee on Agriculture that the benefits of the Mexican farm labor program have substantially outweighed its disadvantages. Among other things, it has supplied farmers with workers that were not available from the labor force of the United States; it has virtually eliminated the "wetbacks" who once swarmed across our southern border; and all dollars earned and taken home by Mexican workers are eventually returned to the United States since Mexico is now one of our most important customers, there-

by providing additional employment in U.S. commerce and industry.

The domestic migratory farm labor stream originates in the area from Florida to Texas, moving north and west in the summer and fall, and returning home in the winter. They are a mobile labor force, the flow and direction of which is influenced by wage rates and employment opportunities. In 1959 Mexican nationals contracted or recontracted under Public Law 78 worked in 24 States.

The present act expires on June 20, 1961, in the midst of the most active season of many crops dependent upon labor provided under the program. Its extension before the adjournment of this Congress is essential for numerous reasons.

Mr. Speaker, I urge the adoption of House Resolution 569.

Mr. BUDGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the membership is well acquainted with the provisions of the legislation made in order by this rule. I feel that the rule should be adopted for the consideration on the floor of the House of Representatives of this measure.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. BUDGE. I yield.

Mr. HOFFMAN of Michigan. Is this the migrant labor bill?

Mr. BUDGE. This is the migrant labor bill; yes.

Mr. Speaker, I yield back the balance of my time.

Mr. TRIMBLE. Mr. Speaker, I yield 10 minutes to the gentleman from Rhode Island [Mr. FOGARTY].

Mr. FOGARTY. Mr. Speaker, this legislation is coming to us in the closing days of this session. Its purpose is to extend the Mexican labor program.

CALL OF THE HOUSE

Mr. CANFIELD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. PRICE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 160]

Alford	Fountain	Mumma
Allen	Frazier	Norrell
Anderson,	Gallagher	Pilcher
Mont.	Gavin	Powell
Anfuso	Hargis	Preston
Arends	Healey	Rabaut
Auchincloss	Hollifield	Rivers, S.C.
Baker	Holt	Roberts
Barden	Jackson	Schwengel
Barry	Johnson, Md.	Siler
Blitch	Kee	Staggers
Bolton	Keogh	Stratton
Brown, Mo.	Kilgore	Taylor
Buckley	Kluczynski	Teague, Tex.
Burdick	Lankford	Teller
Carnahan	McMillan	Thompson, Tex.
Celler	McSweeney	Udall
Church	Macdonald	Van Pelt
Coffin	Machrowicz	Vinson
Davis, Ga.	Martin	Whitten
Diggs	Mason	Willis
Dooley	Metcalf	Withrow
Dorn, S.C.	Miller, N.Y.	Younger
Durham	Mitchell	Zelenko
Edmondson	Morris, Okla.	
Forand	Moulder	

The SPEAKER. On this rollcall 355 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

WAYS AND MEANS COMMITTEE BILLS

Mr. MCCORMACK. Mr. Speaker the Committee on Ways and Means has reported out unanimously seven bills. The gentleman from Arkansas [Mr. MILLS], chairman of the Committee on Ways and Means, will either tomorrow or some day this week ask unanimous consent for their immediate consideration. In order that the Members of the House may be alerted as to what those bills are, I ask unanimous consent to insert at this point in the RECORD a list of these bills and the subject matters to which they relate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The matter referred to follows:

H.R. 1925, extending to fishermen the same treatment accorded farmers in relation to estimated income tax.

H.R. 2397, credit against estate tax for Federal estate taxes paid on certain prior transfers in the case of decedents dying after December 31, 1947.

H.R. 8576, extending to residents of the United States who are crew members on vessels, aircraft, and other conveyances arriving in the United States, within specified limits, the same exemptions from duty on personal and household articles as are granted passengers arriving on such conveyances.

H.R. 8732, payment of annuities to widows and certain dependents of judges of the Tax Court.

H.R. 9240, authorizing informal entries of merchandise where the aggregate value of the shipment does not exceed \$400.

H.R. 11573, free importation of electron microscopes for educational or research purposes.

H.R. 12559, providing a special method of taxation for real estate investment trusts.

MEXICAN FARM LABOR PROGRAM

The SPEAKER. The Chair recognizes the gentleman from Rhode Island [Mr. FOGARTY].

Mr. FOGARTY. Mr. Speaker, I am opposed to the extension of Public Law 78. I opposed the original bill 10 years ago when it was before this House. At that time we were told it was just a temporary war measure, that it would not last long, but it has been extended year after year for the past 10 years.

In the first year of operation we employed 190,000 Mexicans to do some of this work that could have been done by our own domestic farm workers. The number has risen from 190,000 up to 440,000 in this coming fiscal year. We are spending now at the rate of about \$2.5 million to operate this Mexican labor program. We were told at one time that the program would not cost anything, that the revolving fund would pay all expenses, but that is not so. Other sections of the country, especially the East and the Northeast, that have

the same problems as exist in the Southwest are taking care of their farm problems and harvesting their own crops at no expense to the taxpayers of this country.

One of the main reasons I am opposed to this legislation is that I consider it to be class legislation. Here we are trying to extend the program for 2 years, at a cost of over \$2.5 million to run it, and it affects only 2 percent of the farmers of our Nation or about 51,000 out of the entire farm population in our country.

The main thing to me is that 75 percent of these 440,000 Mexicans who are going to do this labor at as low as 50 cents an hour will be used in 2 States of our country. That does not seem to be fair to the farmers in the rest of the country.

Another reason I think it is bad legislation is that it is going to drive the family farm out of existence. I was brought up on a family farm in Rhode Island and I know what it is to live and work on a family farm.

The importation program has resulted in a surplus of cheap labor, so that wages and working conditions can be kept at substandard levels on corporation farms.

Some crops use Mexican labor for virtually 100 percent of the work. On the average, American farmworkers can now expect an average of only 125 days of employment a year. Farm wages run as low as 40 cents an hour, in some places 35 cents an hour, and in some areas where Mexicans are used in great numbers wages have actually declined in recent years. In some of the States where they are asking for the most Mexican farmworkers they pay the cheapest wages of any State in the Union. In some of these areas the domestic farmworker is going as far as the State of Minnesota or the State of Washington or the State of Oregon and getting higher wages than he can be paid in the Southwestern section of our country because of this cheap, imported, 50-cents-an-hour Mexican labor.

The imported Mexican farmworkers actually have certain protections which are denied American farmworkers. Why in the world those interested in the plight of the farmers of our country are not willing to provide the same standards for our domestic farmworkers as we are providing for these Mexican laborers who are brought in to do this kind of work is more than I know.

The mass importation of Mexican farmworkers helps the corporation farms and drives the family farms out of existence. The family farm uses little or no hired labor. The corporation farm depends on hired labor. Therefore the lower wages are driven, the more the corporation farms are able to lower costs. The family farm is not able to compete. The corporation farm therefore gains an unfair and permanent advantage.

This problem has become of such importance and such a scandal in this country that many committees have been appointed by various governmental agencies to look into it, and many recommendations have been submitted. I

would like to read for the benefit of the committee the recommendations that have been made by a unanimous vote of a consultants report to the Secretary of Labor.

This consultants' report was made by four distinguished citizens who, last year, studied the operation of the law as consultants to the Secretary of Labor. They were Edward J. Thye, former U.S. Senator from Minnesota; the Very Reverend Monsignor George C. Higgins, director of the social action department, National Catholic Welfare Conference; Glenn E. Garrett, chairman of the Texas Council on Migrant Labor, and Rufus B. von Kleinsmid, chancellor of the University of Southern California.

They came to the unanimous conclusion that the law had failed in its objective of protecting domestic farmworkers from the adverse effects of the importation of workers. They recommended that the law be temporarily renewed, but urged a series of changes to provide greater protection for American farmworkers. Their particular recommendations are as follows:

1. The law should clearly confine the use of Mexicans to necessary crops in temporary labor shortage situations and to unskilled nonmachine jobs.

2. The Secretary of Labor should be authorized to establish wage rates for Mexicans at prevailing levels in the area or in the closest similar area for like work, and at no less than a rate necessary to avoid adverse effect on domestic wage rates.

3. The Secretary should be authorized to insure active competition among employers for the available supply of U.S. workers by being empowered to refuse to certify employment of Mexicans unless—

(a) Employers have first made "positive and direct recruitment efforts" to obtain U.S. workers.

(b) Employment conditions offered are equal to those provided by other employers in the area who successfully recruit and retain U.S. workers.

(c) U.S. workers are provided benefits equivalent to those given Mexican nationals.

(d) Employers of Mexicans offer and pay U.S. workers wages which are not less than those paid to Mexicans.

4. The Secretary should be empowered to set up standards for judging adverse effects resulting from employing Mexicans based on wages, earnings, and employment trends and levels.

5. A tripartite advisory group composed of members from management, labor, and the public should be established to advise the Secretary on the Mexican farm labor program.

These specific recommendations have been made unanimously by this group of outstanding consultants. If the House should see fit to adopt these recommendations in this legislation I could see no reason why we should not enact this bill extending the program another 2 years.

Mr. MAHON. It is fair to say that my good friend from Rhode Island would be willing for the House to adopt the rule and go into consideration of this problem and determine what should be done about it.

Mr. FOGARTY. I am not opposing the rule.

Mr. MAHON. The gentleman is not opposing the rule? I appreciate this and I earnestly hope the bill extending the present program will be approved.

Actually I would like to see the bill improved by the inclusion of the language in the Gathings bill.

Mr. FOGARTY. I think I should take time now to explain that I was for the McGovern bill, including these specific recommendations of the consultants in the so-called Sisk bill. I am not up here now opposing the rule; I am just up here trying to explain what I hope to do if we get into the Committee of the Whole.

Mr. MAHON. I thank the gentleman.

Mr. McGOVERN. Mr. Speaker, legislation concerning Public Law 78 involves great moral issues and important principles of national policy. Essentially, the Mexican farm labor importation program concerns the following questions:

First. Shall the Federal Government jeopardize the standards of American workers by importing large numbers of foreign workers?

Second. Shall the Federal Government sponsor a program which provides the means for corporation farms to compete unfairly with the American family farm?

Third. Shall the Federal Government sponsor a program which knocks our concern for human values?

I. EFFECT OF PUBLIC LAW 78 ON AMERICAN FARMWORKERS

America's 2,300,000 farmworkers are, undoubtedly, the most underprivileged, the most poverty stricken and the most underemployed group of workers in our Nation.

They earned an average of \$761 in 1958, for their agricultural labors. They were able to get an average of only 128 days of farmwork that year. A sizable number of them actually worked for rates of pay as low as 30 and 35 cents an hour.

But not only are their wages and working conditions shockingly low, farmworkers are also specifically exempted from many of the legislative protections which safeguard other citizens. Domestic farmworkers are excluded from protection of Federal laws on minimum wage and maximum hours of work. Farmworkers are generally denied unemployment insurance benefits. No law protects the right of farmworkers to organize into unions and bargain with their employers. And only a few States require compulsory coverage of farmworkers under workmen's compensation.

Public Law 78 is a major factor in creating the extremely low income and the great underemployment of American farmworkers. It not only helps to prevent wages and working conditions from improving, but in many areas it actually makes them worse.

(A) COMPETITION FOR LIVELIHOOD

Some 437,600 Mexican farmworkers—called braceros—were imported into the United States under Public Law 78 in 1959, even though serious underemployment existed among domestic farmworkers. An oversupply of labor was created and a sharp competition for jobs ensued resulting in a downward pressure on wages and working conditions.

Two percent of American farms have thus been insulated against the laws of supply and demand when wages and working conditions are concerned. If

workers are not available at low wages, the corporation farms need not raise the pay to get workers. A ready supply of cheap foreign labor is available.

In some crop areas, domestic farmworkers have been almost completely squeezed out as seasonal labor during peak season. Braceros perform virtually all of the seasonal farmwork. For example, at the peak, braceros comprise 88 percent of the harvest force in New Mexico and 85 percent in California. They made up 90 to 95 percent of lettuce workers in Arizona and California, 90 percent of the cotton harvest hands in New Mexico and virtually 100 percent of the okra harvest workers in the Mississippi Delta of Arkansas.

The experience of New Mexico is significant. In this State, the percentage of braceros in the farm labor force has sharply increased and farm wages have dropped as a result. In 1953, the braceros were 67 percent of the total seasonal farm labor at peak. In 1959, they were 88 percent. Wage rates in the largest seasonal activity in the State, picking cotton, dropped from \$2.50 per hundredweight in the 1950-53 period to \$2.25 per hundredweight in 1959—a 10 percent wage cut.

(B) DECLINE IN WAGES

The Department of Labor has studied the wage trends in some 471 areas of the Nation, where braceros are employed. The study sought changes of at least 5 cents an hour, or at least 1 cent in piecework rates, between the average wages paid in 1953 and the ones paid in 1959. The study shows a disturbing picture of the effect of the Mexican farm labor importation program.

In nearly 7 out of every 10 cases farm wages in these bracero-using areas either declined or remained the same in the 6-year period, 1953 to 1959, when pay in other industries sharply rose. In 2 out of every 10 cases, wages actually dropped. In only 3 out of every 10 cases did wages increase.

Cotton, the major crop in which foreign workers are employed, showed a large drop in wage rates. Actually, one out of every three of the bracero-using cotton areas showed a decline in wages. Some 75 out of every 100 of the areas showed either a decline or the same wages in the 6-year period.

These statistics leave little doubt of the very harmful effect that Public Law 78 has on the earnings of the already depressed American farmworkers.

(C) USE ON SKILLED JOBS AND SURPLUSES

But there are further factors to consider:

Public Law 78 was first enacted by Congress to provide temporary workers for unskilled, seasonal work on necessary crops where labor shortages existed.

However, instead of working on only temporary and seasonal jobs, braceros are increasingly used in year-round occupations. Approximately 20,000 of them are known as specials and work the entire year in this country. This represents 20,000 jobs which should be filled by underemployed American workers.

Instead of working on only unskilled jobs, tens of thousands of braceros are

employed as tractor drivers, vegetable packers, truckdrivers, irrigators, and in other skilled jobs. As a result, American farmworkers are denied the opportunity of improving their economic condition.

(D) CONSULTANTS' REPORT

For 9 months in 1959, four distinguished Americans studied the effect of Public Law 78 on domestic farmworkers, at the request of the Secretary of Labor. These men, who came from varied backgrounds and held varied points of view, came to the unanimous conclusion that Public Law 78 had failed in its objective of protecting the domestic farmworker from adverse effects. They found domestic farmworkers seriously hurt by the mass importation of braceros.

These consultants to the Secretary suggested changes in the law to provide greater protection for American farmworkers. They made these changes the prerequisite for any continuation of Public Law 78. We will have more to say about these recommendations in part VI of the minority views.

In summary, we must state that the depressing effect of Public Law 78 on domestic farmworkers' wages and working conditions is beyond question. The Mexican farm labor importation program quite simply exploits the poverty among Mexicans to increase poverty among farmworkers in the United States.

II. EFFECT OF PUBLIC LAW 78 ON FAMILY FARM

Public Law 78 not only harms the American farmworker, it has an equally bad effect on the family farmer. It provides corporation farms with a means of competing unfairly with the family farm.

The great strength of the family farm has been its built-in labor supply. The family works the farm. Little or no hired labor is used. In fact, more than half of America's farms use no hired labor whatsoever. Another 35 percent use a negligible amount of hired labor; they spend less than \$500 a year for labor. The close personal relationship between the family farmer and his hired man results in better working conditions than prevail in a corporate relationship.

On the other hand, only 5 percent of America's farms account for 70 percent of all U.S. farm labor costs. Among this 5 percent, in the main, is the still smaller group which uses foreign labor. For only 2 percent of America's farms employ foreign workers. They are mainly concentrated in five States. Fifty-one thousand farms, total, use foreign labor.

These statistics make quite clear that it is a small number of large farm operators who benefit from the importation of Mexican farmworkers.

(A) UNFAIR COMPETITION

With its supply of cheap foreign labor, the corporation farm is able to depress wages and working conditions. As a result, its costs are kept down. The family farmer must compete against these low costs which are based on exploitation.

If the large-scale farmer in one section of the Nation can flood the market with goods produced with low-wage foreign labor, the price structure for all farmers is forced downward. Thus, the return to the medium and small farmer for

his labor—and for the products grown with his labor—is depressed in direct proportion to the increase in production which comes from the use of low-wage foreign labor.

The production of vegetables in fertile border areas by the use of *baceros* employed at 50 cents an hour has created impossible competitive problems for farmers in other areas producing similar vegetables with family labor. This point was made quite clear by William L. Batt, secretary of labor and industry of Pennsylvania, in a letter to the Subcommittee on Equipment, Supplies, and Manpower. He wrote:

As secretary of labor and industry in Pennsylvania, I am equally concerned with the disadvantageous position of our State's farm employers as a result of the Mexican program. For instance, last year, Pennsylvania tomato growers paid harvest hands a minimum of 77 cents an hour while their grower-competitors close to the Mexican border in the southwest paid harvest hands 50 cents an hour. Obviously this situation is unfair to Pennsylvania State farmers since both Pennsylvania and southwest U.S. farmers compete in the same markets.

It is small wonder that in 1959, tomato production in *bracero*-dominated States was more than 40 percent above the 1949-55 average, while tomato production in other areas was declining.

III. EFFECT OF PUBLIC LAW 78 ON OUR NATIONAL VALUES AND PRESTIGE

Public Law 78 is a blot on our Nation's conscience. It mocks our concern for human values and our free enterprise system. It injures our moral and ideological standing in the world.

During the hearings of the Subcommittee on Equipment, Supplies, and Manpower on Public Law 78, many witnesses, especially clergymen, expressed shock and shame at the effect of this legislation.

For example, Rev. Shirley E. Greene, testifying on behalf of the National Council of Churches of Christ in the United States, read to the subcommittee a resolution adopted by the national council's general board. The resolution stated that "Public Law 78, providing for the importation of Mexican nationals for agricultural labor in the United States, involves human and ethical issues of grave concern to the conscience of Christian people."

The Reverend Greene explained to the subcommittee:

We are deeply disturbed by the dislocation of families, both Mexican and domestic American, which is caused by this massive importation of close to half a million agricultural workers annually from Mexico.

We are also convinced that this program is having serious and lasting effects of an adverse nature on the American agricultural labor market, thus contributing to the perpetuation of one of the bleakest and most persistent pockets of poverty in our generally affluent economy.

The free enterprise system also is mocked by Public Law 78's Mexican farm labor importation program. Competition for labor has become meaningless for the corporation farms importing *braceros*. An unlimited source of cheap foreign labor is always available. The only competition which remains in the labor market of the *bracero*-using areas

is the competition between individual workers for jobs which will provide a semblance of livelihood.

This contradiction of some of our most cherished boasts to the world naturally has a detrimental effect on our national prestige. The condition of America's farmworkers has not escaped the attention of the Communists. It provides fuel for their propaganda machines. For here is exploitation, poverty, and injustice of the very worst sort.

IV. REPLY TO PRO-PUBLIC LAW 78 IN ARGUMENTS

Witnesses in the hearings of the Subcommittee on Equipment, Supplies, and Manpower provided a series of arguments for Public Law 78, which appear erroneous when analyzed. In fact, these arguments have more the appearance of alibis. They had best be exploded.

(A) NO LABOR AVAILABLE

Some witnesses have explained that the *braceros* are essential. Crops would rot in the field if they were not employed. No domestic labor is available, these witnesses charged. This argument is quite fanciful.

No foreign contract labor was imported into the United States for agricultural work before 1942. Before that time, the Nation was able to meet its agricultural labor demands without foreign workers and without crops rotting.

In 1942, *braceros* were first imported to meet temporary wartime labor shortages. But even during the trying World War II period, when manpower was far more desperately needed than today, only one-sixth of the Mexicans imported today were required. In the war years, most of our young men were in the Armed Forces, peak farm production was needed and farm labor productivity was far below its current levels. Yet, only 75,000 *braceros* were required to meet the wartime emergency conditions, as compared with the 437,600 *braceros* imported by corporate agriculture in 1959.

The nub of the matter is that American farmworkers are willing to work and available for it. But sometimes they are not available at the wages for which foreign laborers will work. Were these wages increased, and the working conditions improved, there would be no or little shortage of domestic farm labor. Workers then would not migrate from their homes to faraway areas to seek work. They would have no need to go away.

This is not theory. It is proved by the experiences of many States. The States of Washington and Oregon have developed programs under which American farmworkers work in the fields at comparatively good wages. Ohio's experience is also proof of this point.

James J. Byrne, chief, farm placement division, Ohio Bureau of Unemployment Compensation, and Margaret A. Mahoney, director, Ohio Department of Industrial Relations, wrote in the February 1960 issue of *Employment Security Review*:

For the past 2 years, no request has been made for Mexican nationals to work in Ohio. This policy emanates from local employers. During the past season, employers and the employment service were able to attract some 12,000 to 15,000 migrant workers to Ohio.

• • • Ohio's bumper crop this past season automatically increased labor demands. A better informed and cooperative employer group met the emergency calmly.

The annual worker plan of the U.S. Department of Labor adequately provides domestic farmworkers for many areas by scheduling a succession of jobs for the workers. In 1959, an estimated 167,000 migrants harvested the crops of tens of thousands of farm employers in 34 States through the annual worker plan.

Finally, the serious underemployment of American farmworkers argues against this alibi for the importation of *braceros*. The number of domestic workers seeking some farmwork has actually been increasing, year by year, since the end of the Korean emergency. The average amount of work each obtains has diminished. When farmworkers can get an average of only 128 days of work a year in agriculture, as occurred in 1958, then it would hardly seem to indicate conditions under which domestic workers are not available.

(B) STOOP LABOR

A corollary to the "no domestic labor available" argument is the one that the *bracero* is needed to perform stoop labor and other work which American farmworkers will not do.

Before this argument is accepted, certain questions need to be answered. Are 437,600 workers needed for stoop labor? What about the tens of thousands of *braceros* who work at skilled jobs? Are they stoop labor or do they perform work which Americans refuse?

(C) UNRELIABILITY OF FARMWORKERS

Another part of the "no domestic labor available" argument is the charge that domestic farmworkers are unreliable, that they leave before work is completed, that they cannot be trusted.

Undoubtedly, among domestic agricultural workers, as in any other group, there are persons who are not reliable. But experience has clearly shown that unreliability is not characteristic of farmworkers in the United States.

Thousands of farmers in many sections of the country—the overwhelming majority of farmers—harvest their crops each year exclusively with domestic agricultural workers. Under the annual worker plan operated by the Department of Labor, farmers year after year obtain the same or other workers—providing them transportation. These workers have, with a relatively few exceptions, carried out their commitments and their obligations.

For example, in 1958, the Washington State Employment Service recruited 4,000 workers in Texas for 200 employers. A total of \$110,000 was advanced these workers by the employers for transportation. All but \$250 of this large sum was repaid. An asparagus grower in Washington annually advances between \$15,000 and \$17,000 for transportation and his annual loss is less than \$150.

One of the largest employers in the State reported that more than 90 percent of his workers remained for the full completion of the harvest. If farmworkers were so unreliable, how could so many farmers cultivate their crops by using them exclusively?

(D) INABILITY TO PAY

It has been said that American farmers cannot afford to pay better wages, that the farm-price situation is such that agricultural workers cannot have a better standard of living.

At the very start, one must ask, which farmers? As the committee's hearings on the farm income legislation has demonstrated, the family farm is in serious economic trouble. Yet the large-scale farms—the corporation farms—have done quite well. It is the corporation farms which are the overwhelming beneficiaries of the Mexican farm labor importation program.

How important actually are labor costs in the production of crops? In 1958, the total farm wage bill amounted to \$2.9 billion, while total production expenditures, including interest and rent, amounted to \$25.2 billion. Farm labor costs, therefore, represented only 11.5 percent of total farm production costs, or less than one-eighth, according to the U.S. Department of Agriculture. This means that farm labor wages could rise more than 8 cents an hour before production costs are raised by as much as 1 cent an hour.

Yet, even if all of these factors did not exist, it still would be impossible to argue that American agriculture must, in the attempt to meet its economic problems, exploit farmworkers. The problems of agriculture can be met with proper legislation. The members, offering these minority views, have worked long and hard for such legislation. But we must strongly reject the idea that driving farmworkers deeper into poverty is the solution, or even an aid, in solving the farm income problem.

(E) CONSUMER PRICES

Some Public Law 78 supporters contend that consumer prices will increase unless unlimited numbers of braceros are imported and farm labor wages thereby prevented from increasing. This argument is economically fallacious, but even more important, it assumes that the consumer is as little concerned about the moral problems presented by Public Law 78 as the witnesses arguing for this legislation.

As shown above, farm labor costs represent only one-eighth of total farm production costs. It represents an even smaller fraction—one-twentieth—of the consumer price, according to the U.S. Department of Agriculture. In other words, a 10-percent increase in farm labor wages would result, on the average, of only one-half of 1 percent increase in prices.

Let us see what a rise in farm wages would mean to consumer prices on specific commodities:

A 10-cents-an-hour increase in return to all labor devoted to cotton production—hired and family labor—would increase the average family's expense for cotton goods about 50 cents a year.

An increase of 10 cents an hour for sugar beet workers would increase sugar beet costs about 40 cents a ton. That amount is too small to affect the retail price of sugar.

A 10-percent increase in labor costs in the production of processing tomatoes

in California would result in an increase of less than 2 cents per case of canned tomatoes.

A 10-cent increase in the farm labor costs on lettuce would increase its cost by less than one-tenth of a cent a head.

In short, the consumer might have to pay a penny a pound more for farm goods if farmworkers' wages were substantially raised. We are certain the consumer is perfectly willing to pay this very small extra cost to end labor conditions which blot the conscience of our Nation.

Consumer witnesses told the Subcommittee on Equipment, Supplies, and Manpower exactly that.

(F) EFFECT ON MEXICO

Curing and ending the Mexican farm labor importation program will seriously harm the economy of Mexico, the supporters for Public Law 78 have testified. While it is true that the money brought home by the braceros is of help to the Mexican economy, one can hardly argue that this is a justification for the exploitation of American farmworkers and the creation of unfair competition to the American family farm.

One can hardly expect the American farmworker and the family farmer to shoulder the burden of providing foreign aid for Mexico. If Mexico is to be helped, let us do it through programs established for that purpose—and not by injuring a large segment of our population.

There is an alternative to the extension of Public Law 78 in its present form. It is a moderate proposal which corrects the weaknesses of Public Law 78.

Basically the proposed amendment changes in Public Law 78 to provide greater protection for domestic farmworkers against the adverse effects of mass importation of braceros.

(A) CONSULTANTS' RECOMMENDATIONS

The proposed amendment embraces the recommendations of the four distinguished men who studied Public Law 78 for 9 months last year as consultants to the Secretary of Labor. These consultants were:

Edward J. Thye, former U.S. Senator from Minnesota, who had served on the Agriculture Committee which wrote Public Law 78.

Msgr. George G. Higgins, director of the social action department, National Catholic Welfare Conference.

Dr. Rufus B. van Kleinsmid, chancellor of the University of Southern California.

Glenn E. Garrett, chairman of the Texas Council on Migrant Labor.

These men, representing varied backgrounds, reached the following unanimous opinion after their study of Public Law 78:

The arguments for and against the renewal of Public Law 78 are not entirely conclusive. As a practical judgment, however, the committee has concluded that, on balance, the case in favor of renewing Public Law 78 on a temporary basis is more conclusive than the arguments against its renewal.

However, the committee doubts whether it is possible to prevent adverse effect on our citizen agricultural work force by such use of imported workers until and unless the law provides the necessary enforceable authority to

prevent adverse effect * * *. In order to provide effective tools by which the Secretary of Labor may continue to authorize the orderly importation of Mexican nationals only where necessary and justified, the committee has incorporated in this part of the report its recommendations for changes in Public Law 78. The committee's support of a temporary renewal of Public Law 78 is conditioned on its being substantially amended so as to prevent adverse effect, insure utilization of the domestic work force, and limit the use of Mexicans to unskilled seasonal jobs.

The substantial amendments which the committee of consultants recommended are:

First. The law should clearly confine the use of Mexicans to necessary crops in temporary labor shortage situations and to unskilled nonmachine jobs.

Second. The Secretary of Labor should be authorized to establish wage rates for Mexicans at prevailing levels in the area or in the closest similar area for like work, and at no less than a rate necessary to avoid adverse effect on domestic wage rates.

Third. The Secretary should be authorized to insure active competition among employers for the available supply of U.S. workers by being empowered to refuse to certify employment of Mexicans unless: (a) Employers have first made "positive and direct recruitment efforts" to obtain U.S. workers; (b) employment conditions offered are equal to those provided by other employers in the area who successfully recruit and retain U.S. workers; (c) U.S. workers are provided benefits equivalent to those given Mexican nationals; and (d) employers of Mexicans offer and pay U.S. workers wages which are not less than those paid to Mexicans.

Fourth. The Secretary should be empowered to set up standards for judging adverse effects resulting from employing Mexicans based on wages, earnings, and employment trends information.

Fifth. A tripartite advisory group composed of members from management, labor, and the public should be established to advise the Secretary on the Mexican farm labor program.

(B) RECOMMENDATIONS IN H.R. 11211

Needless to say, these changes would greatly improve the protection of the American farmworker against the cheap labor competition of unlimited importation of braceros. And they would reduce the unfair advantage bracero-using corporation farms have in competition with the family farm. These recommendations of the consultants are sections 1, 2, and 3 of H.R. 11211, legislation which I have previously introduced.

Section 4 of H.R. 11211 authorizes the Secretary to issue the rules and regulations he deems necessary to carry out the provisions of title V or Public Law 78.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, June 24, 1960.

HON. GEORGE S. MCGOVERN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MCGOVERN: This will reply to your letter requesting my views with respect to H.R. 12759. As I understand it, this recently introduced bill is designed for one purpose only, to extend the operation of

the present Mexican program for 2 years from its present expiration date of June 30, 1961.

My previously expressed opinions in this matter have not changed. There is ample evidence before the Department, including the conclusions and recommendations of independent consultants who have studied this problem for me, that the Mexican program legislation needs substantial improvement in order to avoid adverse effects upon our own farmworkers. My view remains that the existing law should not be extended until such improvements can be incorporated in it.

Since the existing law does not expire until June 30, 1961, there will be ample time for consideration of the administration's recommendations in the next session of the Congress. Since these views were first expressed by the Departments of Agriculture and Labor before the House Agriculture Committee, nothing has developed to modify my views in this regard. The issues involved in H.R. 12759 are highly controversial and I feel that they may be made even more difficult of solution by undue haste in decision.

Sincerely yours,

JAMES P. MITCHELL,
Secretary of Labor.

Mr. TRIMBLE. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. TRIMBLE. Mr. Speaker, I ask unanimous consent that House Resolution 546, the preceding resolution, be laid on the table.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. COOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12759) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

CALL OF THE HOUSE

Mr. WOLF. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] A quorum is not present.

Mr. MCCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 161]

Alford	Gallagher	Passman
Alger	Gavin	Patman
Anderson,	Hargis	Pilcher
Mont.	Healey	Pillion
Arends	Hechler	Powell
Auchincloss	Holifield	Preston
Baker	Holt	Rabaut
Barden	Jackson	Rivers, S.C.
Bass, N.H.	Kearns	St. George
Baumhart	Keogh	Schwengel
Blitch	Kilgore	Scott
Bolton	King, Utah	Siler
Buckley	Kluczynski	Spence
Burdick	Lankford	Staggers
Burke, Ky.	McCulloch	Stratton
Carnahan	McDowell	Taylor
Celler	McMillan	Teller
Coffin	McSweeney	Tollefson
Davis, Ga.	Macdonald	Udall
Diggs	Machrowicz	Van Pelt
Dooley	Martin	Vinson
Dorn, S.C.	Mason	Williams
Durham	Metcalf	Willis
Edmondson	Miller, N.Y.	Withrow
Flynt	Mitchell	Younger
Forand	Morris, Okla.	Zelenko
Fountain	Mumma	
Frazier	Norrell	

The SPEAKER. On this rollcall 348 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MEXICAN FARM LABOR PROGRAM

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina [Mr. COOLEY].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12759, with Mr. EVINS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. COOLEY. Mr. Chairman, I yield 5 minutes to the author of the bill, the gentleman from California [Mr. SISK].

(Mr. SISK asked and was given permission to revise and extend his remarks.)

Mr. SISK. Mr. Chairman, the bill H.R. 12759, which is before us, is a very simple bill. It simply strikes out the date of June 30, 1961, in the existing law and inserts the date of June 30, 1963.

No program has been more maligned or more misrepresented, in my opinion, than this Mexican labor program under Public Law 78. I realize, certainly, that there have been abuses, because I live in an area where we use tens of thousands of these people.

I would like to say to my good friends and colleagues that I yield to no man in my defense of the working people of this country, whether they be farm laborers or at whatever level they may be working. I will match my record against that of any Member of this House. But I believe I know whereof I speak with reference to the way this program works in the State of California and in the area in the San Joaquin Valley from which I come. I am not prepared to speak for every area of the country.

A good many years ago, in the thirties, I went flat broke in the Southwestern part of our country and I went to California.

Mr. Chairman, I appreciate the fact that the hour is late, but if my colleagues will bear with me I hope we can soon dispose of this bill.

I took a job back in the 1930's climbing a ladder, picking fruit for 25 cents an hour. I have picked cotton, I have cut grapes, I have done about every agricultural job that exists in the central part of my State. I feel I know and understand a little bit about some of the problems that exist there. The situation has arisen in recent years where it is simply impossible for our farmers to harvest their crops, for us to get the fruits, the vegetables, and the produce to market without a supplemental labor supply.

Some of my colleagues who discussed this program, I feel, do not have any understanding of what your consumers may be up against. For example, if we did not have a labor supply to harvest our tomatoes, and our asparagus, and

the broccoli, and the grapes, and the nuts, and the fruits, they are not going to reach the markets in your areas, and those that do are going to be substantially higher in cost than what they are today, I can assure you.

I do not mean by that that the labor that is being used is cheap labor, by any means; the fact is that unless we have labor of some kind to do the job the harvests are simply not going to be brought in and the produce is simply not going to be available. Those of you who are familiar with existing law, Public Law 78, know what the provisions of that law are with reference to the fact that when Mexican nationals are brought into this country under contract they have to be certified, prevailing wage scales must be met, very high standards of living conditions and housing must be met. The cost of their transportation to and from their point of entry to the farm on which they work must be paid. They must be covered by insurance, hospitalization, and so on. So that actually it becomes a very expensive and very costly type of labor. Thus the majority of farms want to use domestic labor wherever it is available.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. SISK. Certainly, I yield to my good friend from West Virginia.

Mr. BAILEY. Are the members of the Committee here to understand that the prevailing wage in the major part of California that uses this type of labor is only 50 cents an hour?

Mr. SISK. I realize that there is very little time tonight, and I do not want to delay adjournment for I am sure the Members want to get away.

Mr. BAILEY. That is hardly an answer to my question.

Mr. SISK. I am going to answer the gentleman's question. I may say that in my district agricultural wages run to \$1 and \$1.10 an hour. There is no person working on a farm in the State of California for 50 cents an hour. Every person working on any kind of farmwork in California is getting about 50 cents an hour.

I have the greatest admiration and friendship for my good friend from Rhode Island who spoke a little while ago, but, very frankly, the things he was saying just do not hold water with reference to this Mexican labor program in California. Let me say in all fairness to my good friend from Rhode Island that there may be someplace where it does hold true, but if it does hold true then they are in violation of Public Law 78 and I challenge anyone to bring that to the attention of the Secretary of Labor, for I can assure him that the situation will be corrected.

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield.

Mr. SANTANGELO. Are you advising us now, that Mexican labor is not working in wheat, cotton, or some of the surplus products?

Mr. SISK. The great majority of Mexican labor in my own area works at picking peaches, apricots, plums, nectarines, grapes, walnuts, almonds, and in harvesting melons, vegetables of all

kinds. Some of them I have already enumerated. There are some in the western part of my district that do work in the cottonfields, but the major portion of the labor is used in fruits and vegetables.

Again referring to the statement of my good friend from Rhode Island with reference to employers, the so-called small family-sized farm, the one producing fruits and vegetables, is the one that needs this type of people most, for they simply cannot harvest their crops of fruits and vegetables on these small-sized farms without a large amount of labor at certain times, which in most areas is of short duration. That is why this program has worked very well.

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield further?

Mr. SISK. I yield.

Mr. SANTANGELO. Do you say that in the main most of the labor is of a seasonal type, used for about 2 or 3 weeks at a time?

Mr. SISK. The overwhelming majority of Mexican labor in my area of California, and I am speaking only of the area about which I know, are strictly seasonal hands employed for periods of short duration.

(Mr. SISK asked and was given permission to revise and extend his remarks.)

Mr. HOEVEN. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. TEAGUE].

(Mr. TEAGUE of California asked and was given permission to revise and extend his remarks.)

Mr. TEAGUE of California. Mr. Chairman, first I should like to commend the gentleman from California [Mr. SISK] for his very fine statement. Certainly there is no program, there is no piece of legislation with which we deal, that is more misunderstood than in this farm labor program. You Members on that side of the aisle certainly know the gentleman from California [Mr. SISK] would not be here asking you to vote for any program or any piece of legislation that is designed to grind under the workingman of this country.

I would like to have the attention of the gentleman from California [Mr. SISK], if I may. When he testified before our committee I asked him some questions. I would like to read those, and also his answers, because they have to do with this very subject of the allegation which is made that this program is only good for the big farmers, and it is not helpful to the small farmers.

I asked Mr. SISK:

I consider you to be an extremely conscientious and sincere Member of Congress. You would be generally on what one would term to be the liberal side. I know you mean what you say; you are sincere in your convictions.

Mr. SISK. Thank you.

Mr. TEAGUE of California. There has been a lot of talk that this Mexican bracero program only inures to the benefit of corporate farmers, big farmers. In the San Joaquin Valley, which you represent, that is, a large portion of it, in which it has been said there are big corporate farmers, are there any small farmers in the valley?

Mr. SISK. Mr. TEAGUE, I appreciate the opportunity to comment on this. I would like to make two comments, if I may.

In the first place, yes, we have literally thousands upon thousands of small farmers in the San Joaquin Valley. I suppose my district, which has in it the county of Fresno, which has for some years been the richest agricultural county in production in the United States, has a larger share of small farmers than almost any area in the West. The average size of the farm in that area, I believe, from latest statistics, is 60 acres. We have literally thousands of farmers yet who are operating on 40 acres.

I am referring to a vineyard. I am sure that my colleague from California understands that this is a highly productive type of acreage. We have many 40-acre vineyards. We still have many 20-acre vineyards.

The idea that all of the farmers are big corporate farmers is absolutely in error. They are a very small minority of the farms.

The other point that I would like to make, Mr. Chairman, if you will give me the time, is a denial of a firm supply of these Mexican nationals would hurt the small farmer quicker and hurt him worse than it would the big farmer, because the big corporate farms, where they have the development for housing, and so forth, are in a much better position, if necessary, to go out and recruit domestic labor and bring them in, even if it is over long distances, and house them and keep them; whereas the small farmer—I am thinking now of my raisin producers, and we have literally thousands of them—are almost wholly dependent on getting their grapes cut and spread on trays on a supply of Mexican nationals or a similar type of labor.

May I ask the gentleman from California [Mr. SISK] if he is still of that opinion?

Mr. SISK. Yes. Of course, that was the reason for some of the statements I made here. We are completely dependent on this labor or the produce will rot in the field.

Mr. TEAGUE of California. Is it not also true that large farmers can mechanize? They have the money, the capital, to buy cottonpickers and other mechanical equipment which small farmers in most cases have not.

Mr. SISK. That is a completely fair statement.

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from New York.

Mr. SANTANGELO. Can the gentleman advise this body what is the prevailing wage for the domestic employee who is not a migrant Mexican wetback?

Mr. TEAGUE of California. We do not have any Mexican wetbacks. These are Mexican nationals, they are under contract. They are not wetbacks at all. In that connection I would like to call the attention of the committee to the fact that the gentleman from Rhode Island [Mr. FOGARTY] indicated that the number of Mexican nationals has gone up from 190,000 to 500,000; however, during that same time the number of illegal Mexican farmworkers here in this country illegally has gone down from 1 million to 30,000.

Mr. SANTANGELO. Will you answer my question?

Mr. TEAGUE of California. I just wanted to make that point clear. The

wage scale of our farm labor, and this is true everywhere, is the same for domestic and imported farmworkers except that the farmer has to pay the cost of transportation and other fringe benefits for some of these Mexican laborers.

Mr. SANTANGELO. In terms of dollars, does the domestic worker get \$1 an hour or 35 cents or 50 cents?

Mr. TEAGUE of California. The average is \$1.19 an hour. Nationwide, it is about 80 cents an hour.

Mr. SANTANGELO. How much do these Mexican nationals receive under their contract—about 35 to 50 cents an hour?

Mr. TEAGUE of California. Oh, no.

Mr. SANTANGELO. What do they receive?

Mr. TEAGUE of California. The figure I gave the gentleman, less the cost of housing and boarding.

Mr. COOLEY. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, this program was inaugurated back in World War II, in 1942, I think. I came to the Congress in 1945. I have opposed the renewal of this program every time it has come up, and I oppose it for reasons different from what many other Members of Congress oppose it. I oppose it because it exempts this type of labor from the payment of income tax, from payments into the old age insurance program. There is no binding authority or enforcement provision to compel the man who hires this labor, and brings it into the country, to take care of it. They sometimes leave the farm where they are assigned to when they come in under contract and become wetbacks; just chasing around all over the country. I am opposed to it because it creates discrimination against farm labor in other sections of the country. There are only about three or four States in the southwestern part of the United States that use it. Let me remind you, there are a lot of farm products produced in States like New Jersey and Pennsylvania. I was conducting hearings a few weeks ago on the farm immigrant labor children's bill, and the Secretary of the Labor of the State of Pennsylvania testified that the 50-cent prevailing rate under this contract for Mexican labor was 35 percent below the wage which they paid in New Jersey and Pennsylvania. Take the Jamaicans, the Barbados Islanders, and the Puerto Ricans. Their governments would not let them work for less than 75 to 85 cents an hour. The tomato grower in southern California can produce tomatoes, squeeze the juice out of them, and ship that juice to the Campbell soup plant in New Jersey cheaper than the man can produce it on the farm near the plant.

Mr. Chairman, you cannot justify this kind of a program in this Nation where there are 4.5 million people out of employment. It is just not conceivable that this Congress would impose this kind of a situation on the American farm labor people. There is plenty of it to handle these jobs without importing Mexicans.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. HOEVEN. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mrs. MAY].

(Mrs. MAY asked and was given permission to revise and extend her remarks.)

Mrs. MAY. I would like to take part of my time to ask the chairman of the subcommittee, the gentleman from California [Mr. SISK], or the gentleman from Arkansas [Mr. GATHINGS], with reference to a statement just made concerning the labor force that is available which the distinguished gentleman from West Virginia just referred to. Is it not your recollection that in committee we had substantial testimony that because of this unemployed labor force it did not necessarily mean that this labor was available for the type of work we are talking about?

Mr. GATHINGS. Mr. Chairman, if the gentlewoman will yield, that is absolutely right. Witness after witness testified before our committee that they could not get this kind of labor to work on the vegetable and fruit farms; you could not get them to do this stoop labor, although they paid good wages; you could not get them on the farm to do that work that was highly necessary to be done just for a certain period of the year.

Mr. COOLEY. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from North Carolina.

Mr. COOLEY. The fact is that the law requires the Secretary of Labor to make an affirmative finding to the effect that local labor is not available. This act only authorizes the Secretary of Labor to certify these Mexicans as eligible to work only when domestic labor is not available.

Mrs. MAY. That is my recollection of a very substantial part of the testimony.

Mr. DIXON. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Utah.

Mr. DIXON. The gentlewoman will recall the testimony before the committee in which it was proven that these general statistics of U.S. unemployment were absolutely phony as applied to particular situations; is that not right?

Mrs. MAY. That is correct.

Mr. DIXON. One illustration. The gentleman from Pennsylvania comes from a coal mining area. One-sixteenth of the district that I represent is underladen with coal. Three-fourths of our lead and zinc mines have been closed down. We asked the chief of our unemployment security agency—I call it unemployment, which I should not—employment security agency to defer bringing in Mexican nationals so that we could get jobs for the coal miners and for our lead and zinc mines. He acceded to our request. We had demanded it so that our unemployed miners could get work. And, they were close to the sugar beet fields. How many do you think we got? Not one. We had every farmer in the sugar beet area on our necks

within 2 weeks, because they did not have a man to do the job.

Mrs. MAY. I might say also to the distinguished gentleman from West Virginia that in the part of the country I come from we wish we had some of his unemployed people; we would welcome them. There are times when we desperately need them. That may be an impractical suggestion geographically, but I assure the gentleman this does not mean that I have any lack of sympathy or understanding for their problem. But we need this kind of people desperately in the State of Washington for picking and thinning.

Mr. BAILEY. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield.

Mr. BAILEY. If I send the gentlewoman some West Virginians out there, would she exempt them from the payment of income and social security taxes?

Mrs. MAY. I am afraid that I do not have that much control over the present Federal and State regulations.

Mr. BAILEY. Nobody has ever answered, in the years that I have been demanding to know, why there is that provision in this legislation.

Mr. DIXON. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman.

Mr. DIXON. I would like to ask the gentleman from West Virginia how much income tax these unemployed miners have to pay.

Mr. POAGE. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield.

Mr. POAGE. I think the answer to the gentleman from West Virginia is very simple. We have an exemption under the income tax law of \$600. It would cost us more money to collect the income tax from these people than we would ever collect from them and consequently that would not be for the benefit of the taxpayers of the United States.

Mr. GROSS. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield.

Mr. GROSS. American employees of the United Nations are exempt from Federal income taxes and they are not exactly stoop labor—or maybe they are.

Mrs. MAY. Mr. Chairman, as has been indicated by previous speakers, each of us, naturally, can speak only for our own district.

Mr. Chairman, there have been many references today on the effect that Public Law 78 has on small- and medium-sized farms and the farmers of our Nation. The area that I have the privilege to represent is an area which is almost wholly made up of small- and medium-sized operations. Therefore, I feel that I can logically and justifiably meet the arguments of unfair competition to and repression of the small farm operator concerning domestic and imported workers.

Termination of the present law would create a serious situation in the State of Washington and in all of the States dependent upon a supply of migrant labor, whether domestic or imported. Of pri-

mary concern to me is the fact that at the present time there is not a sufficient supply of domestic agricultural labor available at peak periods of need, and this domestic agricultural labor force is presently declining.

Public Law 78 is legislation which allows a supplemental labor force. It does not replace domestic labor, as has been charged.

Our farmers are dependent upon the migratory worker, because there is simply not enough local labor to do the necessary seasonal work on the farms. This is the difficult problem about agricultural labor. It is highly seasonal, with frequent peaks of employment. When one considers that the demand for labor is for a few short months and at the same time in many different States, it becomes apparent that it is impossible for the same work force to be in two places at the same time. A worker would have to be somewhat of a magician to harvest apples in the State of Washington and lettuce in Arizona during the same period of time.

There is an annual average domestic migratory work force of 427,000—1958—available in the United States to perform agricultural labor. Substantial segments of this force are used in every State of the Union at various times of the year. To replace the 437,600 Mexican nationals with the 427,000 domestic migrant workers would use up all of the available supply and leave a serious labor shortage in the remaining areas that have depended upon our domestic migratory labor.

The northwestern area of the United States employs very few Mexican nationals, the great majority of our migrant agricultural labor coming from Texas and other southwestern States. The reason we do not use the nationals is quite simple—the nationals are recruited for a 6-week period, and with our area located a great distance from Mexico, much of this 6 weeks time would be lost in traveling to and from the border. Not only would this time be lost, but the transportation costs would be excessive to our farmers.

On the other hand, domestics, with a liking for the Northwest area, return year after year.

Termination of the program would necessitate an attempt to recruit domestics without much hope of accomplishment in the Northwest area because an intensive recruiting program for domestic labor by farm operators in other parts of the country who now use nationals, would place many of the small farm operators in the Northwest at a distinct disadvantage due to their great distance from the recruitment area.

It is for these reasons that I most seriously urge that Public Law 78 be extended.

(Mrs. MAY asked and was given permission to revise and extend her remarks.)

Mr. GATHINGS. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HAGEN].

(Mr. HAGEN asked and was given permission to revise and extend his remarks.)

Mr. HAGEN. Mr. Chairman, in answer to the various questions that have been raised previously, with only minor exceptions, at least in the State of California, this labor is used on foods that you would find in the fresh fruit and vegetable departments at your local grocery stores. This is the interest the city people have in the supply of labor for this kind of farms. Unless there is an adequate supply of labor for them, you will either have items missing in the grocery stores or the prices will be exorbitantly high.

I represent a farming district. However, my district is not as reliant on bracero labor as some of them are. I would say less than 10 percent come from this bracero program. But, in some areas, for example Congressman SAUND'S, 90 percent of the labor comes from the bracero program.

I would ask for an extension of this act without amendment. My reasons are these:

This act should be extended now because the Labor Department has to budget for enforcement officers, and so forth, in connection with it. The current law is due to expire in the middle of next year. If it is renewed until next year they cannot go through an adequate budgeting process.

Further, our growers in California are having difficulty in finding financing in respect to crops that require labor that will be obtained under a program which will expire in June of next year. This is a consideration.

Also, a longer period than the present expiration date is needed in order to negotiate a new treaty with Mexico which, incidentally, is designed to protect the rights of Mexican and also domestic labor.

There has been a report submitted to the Department of Labor by a commission, which included ex-Senator Thye. The Labor Department itself has not had sufficient time to study these proposals and suggests abstaining from any amendments with respect to the content of the law until it has had time to evaluate the proposals of this commission and to submit its own recommendations.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. HAGEN. I yield to the gentleman from West Virginia.

Mr. BAILEY. Would the gentleman have us understand that the Secretary of Labor and the Labor Department are in favor of this legislation?

Mr. HAGEN. I could answer that yes or no, but I would probably be wrong with both answers.

Mr. BAILEY. I will ask it more definitely. Is Mr. Mitchell in favor of this program?

Mr. HAGEN. Mr. Mitchell is not in favor at this time of changing the ground rules of the bracero program.

Mr. BAILEY. Do you not take away some of the authority he has under existing law?

Mr. HAGEN. No.

Mr. BAILEY. He says you do.

Mr. HAGEN. The original proposal that was approved by the House Committee on Agriculture would have done

so. However, this proposal is a simple extension, and does not attempt to change the ground rules at all.

In that connection, I might point out that the Secretary of Labor has recently exercised considerable authority in regulating the conditions of employment which shall be made available to domestic workers before any Mexicans can be secured by an employer. I personally feel that the Labor Department has exercised their authority to the utmost in this respect. Existing laws provide that the Labor Department shall administer the program. I do not feel that there is any danger of abuse provided Congress appropriates enough money to operate the program from an inspection standpoint, and so forth.

By way of conclusion, I want to reiterate that this proposal before us does not seek to change the ground rules relating to Mexican labor, which provide that it shall not be made available to the adverse effect of domestic workers. Further, the Secretary of Labor is not at this time recommending any changes in the law, which is currently due to expire in June of 1961. He indicates that next year he will propose some changes, although we do not know what those changes are. They may or may not be the changes that will be suggested to you in the form of amendments later on.

Mr. HIESTAND. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. LATTI].

(Mr. LATTI asked and was given permission to revise and extend his remarks.)

Mr. LATTI. Mr. Chairman, I am extremely sorry the gentleman from West Virginia left the floor, because I have some information which would probably enlighten him on this bill. He was quite concerned about the effect the passage of this bill would have on the labor force in West Virginia. I would like to point out to him that there is a table on page 380 of the hearings from which he will find that the State of West Virginia did not use any labor of this nature.

He also was concerned about the State of Pennsylvania. If you will look at the same table on page 380 of the hearings, you will find that the State of Pennsylvania is not using any labor under this act in 1959.

He also mentioned the State of New Jersey, for what reason I do not know; but the State of New Jersey did not use any laborers under this act in 1959. In fact, according to the Department of Labor, only 25 States in 1959 used laborers under this act, and in only 83 areas of the United States.

I might say that in the State of Ohio we did not use any Mexican braceros, but I am in sympathy with the extension of this act, because particularly in my area in northwestern Ohio we produce a considerable amount of sugar beets and tomatoes, and we use Mexican national labor in the harvesting of these crops. If we could not obtain the Mexican nationals from Texas we would absolutely have to go out of beet production and tomato production. We do not have any large corporate farms in northwestern Ohio such as it has been pointed out

this act is used for. We have a lot of family type farms, and these people are dependent upon these Mexican laborers. Why? Because they cannot obtain domestic farm labor to harvest their crops. So I am in complete sympathy with these 25 States that do use labor provided under Public Law 78, because I know the situation they speak of and the predicament they might be in if this act were not extended.

I know a lot of people are concerned about consumer reaction, but let me say that if we do not extend this act the price of a lot of commodities is going to go up, because you are not going to be able to produce those crops as cheaply as you have in the past. So I cannot urge too strongly that you extend this act for another 2 years.

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. LATTI. I yield.

Mr. O'HARA of Michigan. I was interested to hear the gentleman's comments about the situation in his State of Ohio. I have been told by some that the experience of the State of Ohio, which by improving its efforts to recruit domestic migrant labor has made the use of Mexican nationals unnecessary, is proof of the assertion that other States could do likewise. Would the gentleman care to comment on that?

Mr. LATTI. I do not know about the situation to which the gentleman refers, but I certainly think that we in Ohio can point to many things with pride.

Mr. O'HARA of Michigan. Your State is pointed to by people who are opposed to the extension of this program as the example of a State whose efforts to recruit domestic migrant labor has cured the labor shortage which is said to require the importation of Mexican nationals. I was hoping the gentleman could enlighten us.

Mr. LATTI. I am pleased to know that from the gentleman from Michigan, because his State is still operating under this program, and in 1959 used 8,212 of these Mexican migratory workers.

Mr. O'HARA of Michigan. Why do you not come up and help us out?

Mr. GATHINGS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROOSEVELT].

(Mr. ROOSEVELT asked and was given permission to revise and extend his remarks.)

Mr. ROOSEVELT. Mr. Chairman, I appreciate the committee's giving me this time. I merely wish to say that inasmuch as the Committee on Rules has granted a rule on the so-called minimum wage bill I shall insert, if I get permission in the House, a section-by-section analysis of the bill so it may be available for the Members tomorrow.

May I add my remarks on this bill? I believe there can be no question as to the need in some areas for Mexican workers, but I cannot understand why the amendments which will be offered would not fit into that inasmuch as all they do is limit the Mexican workers to unskilled and seasonal jobs. It would seem to me to fit exactly into the pattern of

what the proponents of the bill have been speaking about.

Mr. Chairman, my concern is with justice and fairplay whether the situation involves the little businessman, the little farm or the farmworker.

I think my record shows that I have a strong and continuing interest in the small farm and the small farmer. I have continuously supported legislation which I have felt was good for the farm community and thus good for America.

My cosponsorship of H.R. 11211, the McGovern bill dealing with Public Law 78, is in keeping with my past actions. For I strongly believe this legislation is vital to help the family farm in competition with the corporation farm and it is vital to wipe out one of the greatest social injustices in our Nation.

The Congress is fully aware of the fact that existing title V of the Agricultural Act of 1949, commonly called Public Law 78, was intended as a temporary measure designed to assure the availability of seasonal, unskilled agricultural workers for the cultivation and harvesting of necessary crops. It has proved to be something quite different.

Its temporary nature has been disregarded; its life has been renewed repeatedly. Its use only to produce necessary crops has never been considered. The Secretary of Agriculture has discharged his function under its terms by "deeming necessary" all crops in the United States, whether or not those crops be in oversupply and subsidized by the Government.

Public Law 78's apparent intent to provide needed seasonal unskilled foreign workers has similarly been changed by actualities: Mexican workers are employed in year-round jobs and they do machine and other work requiring skills far above those of stoop-labor. Public Law 78 has lost the character which prompted its enactment. It must be amended. It must be changed to reflect the congressional intent which it was supposed to reflect when it was first enacted. Thus I must say in all honesty that to compromise the issue by merely extending the life of Public Law 78 for another 2 years will be most unfortunate and a means of evading responsibility.

The McGovern bill is designed to give real effect to Public Law 78 language which has been demonstrated to be impossible of administration. That language says that no Mexican foreign workers shall be made available if their employment will "adversely affect the wages and working conditions of domestic agricultural workers similarly employed." These words themselves, in my opinion, actually express the congressional intent. But when they occur in a law like Public Law 78, they cannot be given content or meaning.

The reason is simple: Since the whole law makes available a relatively inexhaustible supply of foreign workers, American agricultural workers have no bargaining power. They must take what they are offered or the grower association or farmer will hire Mexican workers instead. What bargaining power can the American farmworker have when there are 450,000 Mexican

workers standing across the border, ready, willing and actually anxious to take their jobs? The psychology of the situation effectively erases from Public Law 78 the adverse effect language which I have quoted.

H.R. 11211, by the gentleman from South Dakota [Mr. McGovern], is designed to restore this language by giving the Secretary of Labor the authority he needs to prevent the adverse effect which is inherent in Public Law 78 as it exists today. It does so by writing into the law provisions which have been recommended, among others, by a select group of qualified consultants in their October 1959 report to the Secretary of Labor on the Mexican farm labor program. These consultants' support of a temporary renewal of Public Law 78 was conditioned on the act being amended, as H.R. 11211, amends it, to prevent adverse effect, insure utilization of the domestic work force, and limit use of Mexican workers to unskilled, seasonal jobs.

This Congress is aware of the conditions which exist. It knows that 97 percent of the Mexican workers admitted under Public Law 78 are used by large associations and individual growers in five States. My State of California is one of the five. The others are Texas, Arkansas, Arizona, and New Mexico.

In these States, there is an annual migration of domestic farm workers from their homes in localities near the border. I have been told that these American farm workers uproot their families and trek to other areas for farm work because they enjoy it as a vacation and because it is their nature. I do not believe this. In my opinion these workers and their families migrate for higher wages. They migrate because in their home areas they are placed in competition with Mexican nationals for a piece rate wage which may permit them to earn the ridiculously low wage of 50 cents an hour.

They migrate out of necessity. They cannot afford to compete with nearly half a million Mexicans to whom 50 cents an hour represents a wage several times higher than their wage at home in Mexico. Is it just and fair for the Congress to sanction the continuation of these conditions?

I have heard it said that those who condemn the effect of Public Law 78 and deplore the conditions of the U.S. farmworker under it, disregard the great improvements which have been made since its enactment. I would point out that these improvements, whatever they may be, inure to the benefit of the Mexican worker, not to the domestic farmworker. I would say, too, that these improvements have been made—where they have been made—only through urging, shaming, leading, and cajoling the large associations to improvements in transportation, safety, and comfort, the quality and quantity of food, suitable housing and facilities, and other such matters which had, in many, too many instances, aroused the conscience of the American people.

However, the 50-cent wage still exists in many regions. Actually, even 50 cents is being paid only because the Department of Labor took the position that it

could not, in conscience and decency, place U.S. farmworkers in competition with foreign workers at wages below 50 cents.

Thus cheap labor, available under Public Law 78 to large corporate farms, large associations, and large processors, has added to the squeeze faced by the small family farm. The small farmer, employing no foreign labor, doing the job with his own hands and those of his family, has been forced to compete in the market against giant competition operating with tremendous numbers of underpaid foreign workers. Not only is the value of his crop reduced by the presence of Mexican labor but the value and the dignity of his own efforts and calling are lowered. This kind of competition is, in my opinion, an insult to the American sense of justice.

The expression of my views in support of the McGovern bill, H.R. 11291, is in itself an expression of opposition to the Gathings proposal which was reported from committee. I oppose this approach because it calls for an extension of Public Law 78, with all of its evils. This extension would be under terms which would make it impossible for the Department of Labor, whose basic statute directs it to improve the conditions of wage earners, to do anything to carry out its responsibilities either under its basic statute or under the so-called adverse effect provisions of Public Law 78. This bill would circumscribe what little authority the Labor Department has under existing law. It would go far to take the Department of Labor completely out of the Mexican program by making action impossible without the consent of the Department charged with the interest of the farmer and not the wage earner.

Additionally, while I oppose the attempt to proscribe the Secretary of Labor in carrying out the intent of the Wagner-Peyser Act. I likewise oppose a mere 2-year extension without safeguards.

The shame of Public Law 78's adverse effect on agricultural wage earners in the United States and on America's small family farms must not be permitted to endure. The reasons for that shame can be eliminated to a great degree by the enactment of the McGovern approach. I respectfully submit that this Nation should no longer tolerate legal sanction to depress the working conditions, wages and living standards of our domestic farm employees.

Like many city Congressmen, I have taken an interest in farm subsidy programs as well as farm labor problems. I shall continue to do so. I recognize the importance of the welfare of our farm population to the welfare of the entire Nation.

Therefore, I respectfully submit that, under no circumstances can the disgrace of the poverty and underprivileged status of the farmworker be permitted to continue. The farmworker and his family are human beings.

I strongly urge approval of the McGovern bill or similar amendments by the gentleman from Rhode Island [Mr. Fogarty]. If there cannot be agreement

to provide these improvements in Public Law 78, then I sincerely urge that Public Law 78 not be renewed. If the law cannot be improved to provide some protection to domestic farmworkers, it is then better to abolish it. For, if the original intent was to offer protection and the record shows that the domestic farmworker has not been protected thereby, then to continue the law without needed changes is merely to give pro forma recognition to a protection that does not, in fact, exist.

Mr. HOEVEN. Mr. Chairman, I yield 4 minutes to the gentleman from Utah [Mr. Dixon].

(Mr. DIXON asked and was given permission to revise and extend his remarks.)

Mr. DIXON. Mr. Chairman, I should like to explain why ostensibly reasonable statistics do not apply in this situation. We have 4 million unemployed, if that be the situation, why should not they take these jobs? Let me explain to you briefly. In the first place, these jobs are highly seasonal, and regular people will not go for these jobs.

In our sugar beet areas we have to thin beets.

The person who thins beets has to crawl on his hands and knees or he has to stoop clear to the ground. I have thinned beets, and I will say that for hours after my day's work was over I could see lights in front of my eyes. It is stoop labor that is almost loathsome. I do not want you to feel when I said our unemployed miners would not take these jobs that I am casting any reflection on the miners, because I am not. I do not blame them a bit. It is one of the toughest jobs you ever saw, and no man who thinks much of himself would ever touch it. So if we had 5 or 6 million unemployed, I doubt if they would come and thin our sugar beets. That is why the unemployment statistics just do not apply to this situation at all.

Mr. Chairman, I wonder where we would be for domestic sugar as far as the beet industry is concerned if you take away the Mexican labor? Castro has signed up with Russia for a million tons of sugar and probably with China for a half-million tons of sugar. The distribution of land out there might knock Cuba out of producing another million tons of sugar. Now you are going to knock our domestic producers, our beet growers, out of the opportunity to provide this country with sugar. You better think about that before you amend this act.

I am certainly in favor of this act as it stands, just a simple renewal for 1 year. The Secretary of Labor must certify that no labor can be obtained for these purposes before any of these nationals may be brought in. I think it is a fine thing for the nationals, too, because they do not have to swim the river. I believe what we spend on the program has been saved in trying to police the river, and prevent the wetbacks from swimming over here. Now they come in orderly under contract, and it is a fine, honorable thing to do.

Mr. Chairman, this is a good bill.

Mr. COOLEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. EVINS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12759) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, had come to no resolution thereon.

(Mrs. ROGERS of Massachusetts asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

[Mrs. ROGERS of Massachusetts' remarks will appear hereafter in the Appendix.]

MASSACHUSETTS WAS BIRTHPLACE OF KING BHUMIBOL ADULYADEJ OF THAILAND

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLAND. Mr. Speaker, all of America today welcomes the only King ever born in the United States, and tomorrow Congress will receive His Majesty, King Bhumibol Adulyadej. We of Massachusetts are proud that this enlightened leader of an important country of the free world claims the Commonwealth of Massachusetts as his birthplace.

Cambridge, Mass., has the distinction of having been the birthplace of one of the world's few reigning monarchs, a King who himself is distinguished for his ability to combine a traditional heritage with a modern outlook in maintaining a stable monarchy in a world where there is often instability. The King of Thailand, Somdet Phra Chao Yu Hua Bhumibol Adulyadej, also known as King Rama IX because he is the ninth ruler of the Chakri Dynasty dating from 1782, was born on December 5, 1927, at Mount Auburn Hospital in Cambridge, Mass.

At that time, his father, Prince Mahidol, heir to the throne of Thailand, was studying at Harvard Medical School.

The present king was the youngest of Prince Mahidol's three children. When he was a year old, the family returned to Thailand where his father joined the staff of a hospital. Shortly thereafter, his father died and his uncle, the ruler, who had no children, sent his mother with her children to Switzerland where the children were to be educated for their future duties. Much of Prince Bhumibol's youth was spent abroad and when he returned to Thailand after World War II, it was to a country where much had changed and to a situation that was fraught with many dangers.

King Prajadhipok, his uncle, had been the last of the absolute monarchs of Thailand. In 1932 the absolute monarchy had been replaced with a constitutional monarchy and 3 years later,

King Prajadhipok abdicated in favor of Prince Ananda Mahidol, the present King's older brother. Because of his youth, the throne was held under a regency while the young king continued his education in Switzerland. Shortly before the scheduled coronation of the young King, in 1945, he was found dead under curious circumstances.

Prince Bhumibol was then named the successor, also under a regency, and returned to Europe to complete his studies. He had earlier planned to become an architect, but now changed his studies to law. He returned to Thailand in 1950, after the country had undergone five constitutional and 19 administrative changes in 18 years. At that time the surrounding countries were in the throes of revolution and communism was on the ascent. Shortly after his coronation and marriage, the young King in his first message to the Thai Parliament requested that body to resist the entry into Thailand of communism that threatened from without. And since that period, his influence has been paramount in maintaining Thailand as an island of stability in a surrounding sea of uncertainty.

The King and his beautiful consort have endeared themselves to their subjects by their many trips within the country to familiarize themselves with regional problems. They have also been actively concerned with the welfare of their subjects and have promoted many activities in this direction. Apart from his royal duties, the King is a well-known composer of popular songs and dance music. In 1950 one of his songs was performed in a Broadway revue. And all of the profits from his musical activities go to the royal Thailand charities.

Mr. Speaker, under unanimous consent I include a story about King Bhumibol Adulyadej written by Fred Blumenthal that appeared in Parade magazine last Sunday, as follows:

THE KING FROM MASSACHUSETTS (By Fred Blumenthal)

WASHINGTON, D.C.—The only king ever born in the United States will arrive here in the Nation's capital on Tuesday with his beautiful, young Queen as honored guests of President Eisenhower.

His Majesty King Bhumibol Adulyadej (pronounced Poom-ee-pom Adul-un-det) and Queen Sirikit of Thailand (Siam) are here not only for the pleasure of revisiting the land of his birth but to demonstrate his nation's friendship with the West.

To most Americans Siam is a land of Oriental mystery and the colorful, ornate costumes of the musical "The King and I" (King Bhumibol is the great grandson of the monarch featured in that show). But to the Pentagon and the State Department, Siam—the size of France and with 22 million people—is the keystone to the defense of Southeast Asia, a vital member of the Southeast Asia Treaty Organization (SEATO), which has its headquarters in Bangkok, Siam's capital.

It is no secret that Red China covets dominion over Siam and her natural riches. But though the Communists—Chinese and Russian—have made massive efforts to subvert Siam and woo her loyalty from the West, they have had no success—thanks to the staunchness of the young King and Queen.

HOUSE

20. SUGAR. The Rules Committee reported a resolution for consideration of H. R. 12311, to extend the Sugar Act of 1948 for 1 year. pp. 13921, 13969
Rep. Cooley summarized the provisions of the above bill, including the committee amendment to the bill, stating the bill includes the following: pp. 13897
"A 1-year extension of the act to December 31, 1961.
"Presidential authority to establish -- whether Congress is in session or not -- the sugar quota for Cuba for the balance of 1960 and for 1961 at such level as the President shall find from time to time to be in the national interest, but in no event in excess of the Cuban quota under present law. If the President sets the Cuban quota at less than present law, the reduction would be reapportioned as follows: (a) An amount equivalent to Cuba's share in the domestic deficit may be assigned exclusively to the domestic area; and then (b) to five nations whose quota is presently between 3,000 and 10,000 tons a sufficient quantity of sugar to bring each of them up to 10,000 tons. These nations are Costa Rica, Haiti, Panama, the Netherlands and Nationalist China; and then (c) to the Philippine Islands 15 percent of the remainder; and then (d) to the full duty nations having quotas under the act -- except those five nations mentioned in (b) above -- the remaining 85 percent in amounts prorated according to the quotas established by the act; and then (e) to any other foreign nations without regard to allocations.
"The President also would have authority to obtain refined sugar if raw sugar was unavailable.
"A technical amendment recognizing Hawaii's full status as a State.
"A permanent change in the law which gives the Secretary of Agriculture the authority to reduce for the then current calendar year the quota of a foreign nation or an area, if that nation or area is unwilling or unable to meet its quota. The Secretary could reduce the nation's or area's quota by the amount of the deficit declared against it. This provision would prevent a country or area which had failed to fill its quota from disorganizing the U. S. market by shipping its full quota after a deficit had been declared against it.
"A provision applicable to the 1961 crop only which awards to new producers 75 percent of any increase in proportionate shares due to reallocated deficits."
21. FARM LABOR. Passed without amendment H. R. 12759, to extend for 2 years the Mexican farm labor program (pp. 13898-921). By a vote of 33 to 122, rejected an amendment by Rep. Fogarty to adopt the language of the McGovern bill with the exception of the section regarding phasing-out of the program (pp. 13902-18) and rejected an amendment by Rep. Shelley to extend the program for 1 year instead of 2 (pp. 13919-21); rejected a motion by Rep. Becker to recommit the bill to the Agriculture Committee (p. 13921).
22. HAWAII. Concurred in Senate amendments to H. R. 11602, to amend certain laws of the U. S. in light of the admission of the State of Hawaii into the Union (p. 13939). This bill will now be sent to the President.
23. FARM PROGRAM. Rep. Cannon urged Congress to enact legislation which would raise the income of the farmer. pp. 13895-6
Rep. Thompson, La., discussed the work he has done in the last 8 years in Congress which includes a statement of his position on agriculture. pp. 13954-65

June 29, 1960

8. LEGISLATIVE BRANCH APPROPRIATION BILL, 1961. Reconsidered the action of June 28 (see Digest 120) on this bill, H. R. 12232, and concurred in an amendment of the House, and agreed to a motion by Sen. Stennis to insist on the one remaining Senate amendment in disagreement (pp. 13777, 13790-1, 13821-3). Conferees were appointed on the one amendment remaining in disagreement (p. 13823).
9. STATE-JUSTICE APPROPRIATION BILL, 1961. The Appropriations Committee reported with amendment this bill, H. R. 11666 (S. Rept. 1777). p. 13881
10. PRICES. A subcommittee of the Banking and Currency Committee approved for consideration of the full committee with amendments S. 2382, to amend the Employment Act of 1946 to provide for its more effective administration, and to bring to bear an informed public opinion upon price and wage increases which threaten economic stability. p. D633
11. MINERALS. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 8860, to provide for payments by the Department of the Interior to small lead and zinc producers. p. D633
12. WILDLIFE. The Interstate and Foreign Commerce Committee voted to report (but did not actually report) with amendment H. R. 12533, to amend the Migratory Bird Treaty Act so as to increase penalties for violations under the act. p. D633
13. FISHERIES. The Interstate and Foreign Commerce Committee voted to report (but did not actually report) S. 2586 to provide for the conservation of anadromous fish spawning areas in the Salmon River, Idaho. p. D633
14. CONSERVATION. Sen. Moss inserted an editorial, "Conservation: More Than Locking Out," discussing the importance of natural resource conservation. pp. 13782-3
15. AIR POLLUTION. Sen. Clark urged enactment of S. 3108, to provide greater control of air pollution, before adjournment of Congress. p. 13786
16. SUGAR. Several Senators discussed Cuban-U. S. relations, including the pros and cons of reducing the sugar quota for Cuba. pp. 13815-19
17. FOREIGN AFFAIRS. Passed without amendment H. R. 11001, to provide for U. S. participation in the International Development Association. This bill will now be sent to the President. p. 13843
18. WATERSHEDS. Both Houses received from the Budget Bureau plans for works of improvement on the following watersheds: Franktown-Parker tributaries of Cherry Creek, Colo., upper Josephine-Jackson Creek, Fla., Sandy Creek, Ga., Waianae Iki, Waianae Nui, Hawaii, French Lick Creek, Ind., Bentonina, Miss., upper Gila Valley Arroyos No. 1, N. Mex., East Keechi Creek, Tex., and Beaver Creek, Va.; to S. Agriculture and Forestry and H. Agriculture Committees; and Town Fork Creek, N. C.; to Public Works Committees. p. 13774
The "Daily Digest" states that the Senate Agriculture and Forestry Committee approved the watershed projects listed above referred to that committee. p. D633
19. CONGRESSIONAL RECESS. Sen. Johnson announced that Congress will recess this coming week-end until August 8. pp. 13797-8, 13799-809

Dowdy	Kee	Rhodes, Ariz.
Downing	Kling, Utah	Riley
Dulski	Kirwan	Rivers, S. C.
Durham	Kitchin	Roberts
Elliot	Knox	Robison
Everett	Kyl	Rogers, Colo.
Fenton	Lafore	Rogers, Fla.
Fisher	Laird	Rogers, Tex.
Flynn	Landrum	Schenck
Flynt	Latta	Scherer
Forrester	Lennon	Scott
Gavin	Levering	Selden
George	Lipscomb	Shipley
Grant	Loser	Short
Gray	McCulloch	Siler
Gross	McIntire	Simpson
Haley	McMillan	Slack
Hardy	Miché	Smith, Calif.
Harmon	Minshall	Smith, Kans.
Harris	Moller	Stratton
Hays	Montoya	Taber
Hemphill	Moore	Teague, Tex.
Henderson	Morris, N. Mex.	Thomson, Wyo.
Hoeben	Moulder	Tollefson
Hoffman, Ill.	Murray	Tuck
Hoffman, Mich.	Norblad	Utt
Hogan	O'Konski	Van Zandt
Holfield	Oliver	Wampler
Holt	Passman	Watts
Huddleston	Patman	Weaver
Hull	Perkins	Westland
Jennings	Philbin	Wharton
Jensen	Pilcher	Whitener
Johansen	Pillion	Whitten
Johnson, Calif.	Poage	Williams
Jonas	Poff	Winstead
Jones, Ala.	Preston	Wolf
Jones, Mo.	Rees, Kans.	

NOT VOTING—24

Alford	Edmondson	Norrell
Anderson,	Frazier	Staggers
Mont.	Jackson	Thompson, La.
Anfuso	Keogh	Vinson
Buckley	McGinley	Willis
Burdick	McSween	Withrow
Carnahan	Mason	Younger
Davis, Ga.	Morris, Okla.	
Dawson	Mumma	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Younger for, with Mr. Mason against.
Mr. Thompson of Louisiana for, with Mr. Mumma against.

Until further notice:

Mr. Keogh with Mr. Jackson.
Mr. Buckley with Mr. Withrow.

Mr. SHIPLEY changed his vote from "yea" to "nay."

Mr. PIRNIE changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The doors were opened.

Mr. SPENCE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3074) to provide for the participation of the United States in the International Development Association, to strike out all after the enacting clause, and insert the provisions of the bill (H.R. 11001) to provide for the participation of the United States in the International Development Association, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Speaker, I object.

SUGAR LEGISLATION

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to proceed for 1

minute, to revise and extend my remarks, and to include the amendment to the sugar bill which will come before the House for consideration at an early date. This is a very brief explanation.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COOLEY. Mr. Speaker, the Rules Committee today cleared for House consideration H.R. 12311, the bill to extend the Sugar Act in modified form. The rule provides for 1 hour of general debate and permits the offering of only one amendment, to be submitted by the Committee on Agriculture.

So that the Members of the House may be thoroughly aware of the provisions of the bill including the proposed committee amendment, I submit here for the RECORD a brief summary, along with a copy of the bill amended, as follows:

First. A 1-year extension of the act to December 31, 1961.

Second. Presidential authority to establish—whether Congress is in session or not—the sugar quota for Cuba for the balance of 1960 and for 1961 at such level as the President shall find from time to time to be in the national interest, but in no event in excess of the Cuban quota under present law. If the President sets the Cuban quota at less than present law, the reduction would be reapportioned as follows: (a) An amount equivalent to Cuba's share in the domestic deficit may be assigned exclusively to the domestic area; and then (b) to five nations whose quota is presently between 3,000 and 10,000 tons a sufficient quantity of sugar to bring each of them up to 10,000 tons. These nations are Costa Rica, Haiti, Panama, the Netherlands, and Nationalist China; and then (c) to the Philippine Islands 15 percent of the remainder; and then (d) to the full duty nations having quotas under the act—except those five nations mentioned in (b) above—the remaining 85 percent in amounts prorated according to the quotas established by the act; and then (e) to any other foreign nations without regard to allocations.

The President also would have authority to obtain refined sugar if raw sugar was unavailable.

Third. A technical amendment recognizing Hawaii's full status as a State.

Fourth. A permanent change in the law which gives the Secretary of Agriculture the authority to reduce for the then current calendar year the quota of a foreign nation or an area, if that nation or area is unwilling or unable to meet its quota. The Secretary could reduce the nation's or area's quota by the amount of the deficit declared against it. This provision would prevent a country or area which had failed to fill its quota from disorganizing the U.S. market by shipping its full quota after a deficit had been declared against it.

Fifth. A provision applicable to the 1961 crop only which awards to new producers 75 percent of any increase in proportionate shares due to reallocated deficits.

H.R. 12311

A bill to extend for one year the Sugar Act of 1948, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 412 of the Sugar Act of 1948 (relating to termination of the powers of the Secretary under the Act) is amended by striking out "1960" in each place it appears therein and inserting in lieu thereof "1961".

SEC. 2. Sections 4501(c) and 6412(d) (relating to the termination and refund of taxes on sugar) of the Internal Revenue Code of 1954 are amended by striking out "1961" in each place it appears therein and inserting in lieu thereof "1962".

SEC. 3. Section 204(c) of the Sugar Act of 1948, as amended (relating to proration of deficits), is amended by striking out "shall not be reduced" and inserting "may be reduced".

SEC. 4. Section 302(b) of the Sugar Act of 1948, as amended (relating to the establishment of proportionate shares for farms), is amended by striking out the period at the end of the first sentence and inserting a colon and the following: *Provided*, That 75 per centum of any increase in proportionate shares in any area where restrictions are in effect for the 1961 crop year over the total of restricted proportionate shares established for such area in the preceding year, less any shares arising from the 1960 growth factor, shall be reserved for new producers.

SEC. 5. Section 408 of the Sugar Act of 1948, as amended (relating to suspension of quotas), is amended to designate such section as subsection "(a)"; and to add a new subsection "(b)" as follows:

"(b) Notwithstanding the provisions of title II of this Act, for the period ending December 31, 1961:

"(1) The President shall determine, notwithstanding any other provisions of title II, the quota for Cuba for the balance of calendar year 1960 and for calendar year 1961 in such amount or amounts as he shall find from time to time to be in the national interest: *Provided, however*, That in no event shall such quota at any time exceed such amount as would be provided for Cuba under the terms of title II in the absence of the amendments made herein, and such determinations shall become effective immediately upon publication in the Federal Register of the President's proclamation thereof;

"(2) For the purposes of meeting the requirements of consumers in the United States, the President is thereafter authorized to cause or permit to be brought or imported into or marketed in the United States, at such times and from such sources, including any country whose quota has been so reduced, and subject to such terms and conditions as he deems appropriate under the prevailing circumstances, a quantity of sugar, not in excess of the sum of any reductions in quotas made pursuant to this subsection: *Provided, however*, That any part of such quantity equivalent to the proration of domestic deficits to the country whose quota has been reduced may be allocated to domestic areas and the remainder of such quantity (plus any part of such allocation that domestic areas are unable to fill) shall be apportioned in raw sugar as follows:

"(i) There shall first be allocated to other foreign countries for which quotas or prorations thereof of not less than three thousand or more than ten thousand short tons, raw value, are provided in section 202(c), such quantities of raw sugar as are required to permit importation in such calendar year of a total of ten thousand short tons, raw value, from such country;

"(ii) There shall next be apportioned to the Republic of the Philippines 15 per

centum of the remainder of such importation;

"(iii) The balance, including any unfilled balances from allocations already provided, shall be allocated to or purchased from foreign countries having quotas under section 202(c), other than those provided for in the preceding subparagraph (i), in amounts prorated according to the quotas established under section 202(c): *Provided*, That if additional amounts of sugar are required the President may authorize the purchase of such amounts from any foreign countries, without regard to allocation;

"(3) If the President finds that raw sugar is not reasonably available, he may, as provided in (2) above, cause or permit to be imported such quantity of sugar in the form of direct-consumption sugar as may be required."

Sec. 6. Sections 101(j), 203, 205(a), 209(a), 209(c), and 307 of the Sugar Act of 1948, as amended, are each amended by striking out the words "The Territory of" in each place where they appear therein.

MEXICAN FARM LABOR PROBLEM

Mr. COOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 12759) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 12759, with Mr. EVINS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the gentleman from North Carolina [Mr. COOLEY] had 14 minutes remaining; the gentleman from Iowa [Mr. HOEVEN] had 9 minutes remaining.

The Chair recognizes the gentleman from North Carolina [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. McFALL].

Mr. McFALL. Mr. Chairman, I am in support of an extension of Public Law 78, the Mexican national program, and the Fogarty amendment which should further improve the administration of the program to prevent its use to depress wages or working conditions or to replace domestic farmworkers.

The Public Law 78 program is essential to California as a supplement to the domestic farm labor force in the peak seasons when crops ripen at the same time in many areas and there simply are not enough domestic workers to do the job. This is the situation in San Joaquin and Stanislaus Counties in California, the district which I represent.

It is important that we take affirmative action now, since the Public Law 78 program, which technically runs until June 30, 1961, would be virtually dead for next year if not extended now, for two reasons: First, the farmers must know at the time of planting whether or not there is a reasonable assurance of the labor required to harvest the crops; second, the Department of Labor must know now if the program is to be continued in order to make the necessary

budgetary requests for funds to enforce the program.

Originally, the House Agriculture Committee considered legislation that would do three things:

First. Extend the Public Law 78 program for 2 years, to June 30, 1963.

Second. Divide jurisdiction between the Secretary of Agriculture and the Secretary of Labor.

Third. Deny the Secretary of Labor authority to prescribe regulations to protect the domestic worker.

The committee first acted on a measure that would include points 1 and 3, eliminating point 2—the joint jurisdiction that would seriously cripple and perhaps even make impossible regulation of the program.

Later the committee reported a new bill, calling for a simple 2-year extension of the program, and eliminating the original section that would hamstring the Secretary of Labor.

This is the bill we are considering today which I support with the amendments recommended unanimously by a special consultant committee to insure that the program will not be operated to the detriment of the domestic worker.

It is my information that these recommendations are substantially in accord with the thinking of those who administer the program in the Department of Labor, but no clearance has yet been received from the administration and no formal recommendation will be made to Congress until next year.

However, if we are to extend the program at this time, these safeguards should also be incorporated now to insure that the Mexican nationals are used only as unskilled labor, on a seasonal basis and not in competition in any way with our American worker.

Secretary of Labor Mitchell wrote on June 24, 1960:

There is ample evidence before the Department including the conclusions and recommendations of independent consultants who have studied the problem that the Mexican program legislation needs substantial improvement in order to avoid adverse effects upon our own farmworkers. My view remains that the existing law should not be extended until such time as improvements can be incorporated in it.

The citizens who studied the program and recommended the amendments to Secretary of Labor Mitchell are Edward J. Thye, former U.S. Senator from Minnesota; the Very Reverend Monsignor George C. Higgins, director of the social action department, National Catholic Welfare Conference; Glenn E. Garrett, chairman of the Texas Council on Migrant Labor; and Rufus B. von Klein-smid, chancellor of the University of Southern California.

Their recommendations, which are to be offered today as an amendment by Congressman FOGARTY, would have the following effect, in brief:

No worker shall be supplied under the program unless the Secretary of Labor certifies:

A. Sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which foreign workers are to be employed.

B. The employment of such foreign workers will not adversely affect the wages and working conditions of domestic agriculture workers similarly employed.

C. Reasonable efforts have been made to attract domestic workers for such employment, including independent and direct recruitment by the employer requesting foreign workers, at terms and conditions of employment comparable to those offered to foreign workers.

D. No foreign labor is to be imported except for seasonal and unskilled jobs.

Although there may be disagreement over method and specific language in the law, I feel certain that our growers in California have no quarrel with the objectives of these amendments, that is, to protect the domestic worker.

I have been told time and time again that the Public Law 78 program is desired only as a supplemental labor force, and that, in fact, the farmers much prefer to hire domestic workers if they are qualified and available in sufficient number when and where they are needed. I know this to be true.

My growers know also that their labor must be paid a fair wage equal to that of workers in other segments of our economy; certainly the consumer has the ability to pay a price sufficient to yield a fair profit to the farmer and a fair wage to the agriculture worker. In my opinion, the Fogarty amendments will strengthen Public Law 78 by spelling out in greater detail the provisions and intent of the present law, thus providing the opportunity to build a larger domestic work force and to retain the necessary supplemental labor supply under fair and equitable conditions.

Should the Fogarty amendment be defeated, I would support the bill to extend the program as essential to a supplemental agricultural labor supply.

(Mr. McFALL asked and was given permission to revise and extend his remarks.)

Mr. HOEVEN. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES of Arizona. Mr. Chairman, I am in favor of this bill, and I hope it passes.

With a 17-percent increase in population in the United States during the past decade, producers of the Nation's fresh fruit and vegetable supply have barely been able to maintain a comparable rate of increase in their production of these commodities. In other words, on a countrywide basis, the rate of population increase is outrunning the growth in production of the most healthful sector of our food supply, and this trend promises to continue.

However, in California and Arizona, the situation is different; during the past 10 years, production of vegetables and melons has not only been increased 26 percent, but the proportion of the national fresh food supply contributed by these two States was increased 25 percent. In 1959, California and Arizona produced 37.5 percent of the U.S. vegetable and melon tonnage, representing 41.5 percent of the value of crops in this category. This record was ac-

complished during a period of severe decline in the domestic labor supply, and only with the assistance of supplemental farm labor, which was made possible by the enactment of Public Law No. 78.

A recent economic survey of the California vegetable industry indicates that on the basis of present rate of production increase, an additional 200,000 acres of vegetables and melons will be harvested in 1975, making a total harvest labor demand for close to 1 million acres. This acreage will be needed if the present trend in dependency on California and Arizona for such a sizable portion of the Nation's fresh foods continues. Thus the continued availability of supplemental farm labor in this area as well as in other parts of the Nation producing fresh fruits and vegetables, is imperative if the food needs of our growing population are to be met.

The domestic farm labor supply in these two States has been drained away by the rapid industrial growth of the area during the past two decades. Because of the nature of the work in the fields, few persons employable in industry can or will turn to so-called stoop labor, even on a temporary basis. Furthermore, impartial studies will prove that the second generation members of Arizona's and California's onetime domestic labor supply, have been educated away from this type of work. The question as to the competition of supplementary labor with domestic labor is largely academic, as so far, no domestic labor supply, adequate in numbers or willingness to do hand labor in the fields, has been made available to fruit and vegetable growers.

Mechanization does not offer the vegetable and melon grower the same labor saving possibilities now being enjoyed by some other sectors of the California and Arizona agricultural industry. This is a point that need not be stressed, for everyone realizes that the very nature of these commodities make it virtually impossible to mechanize their harvest. The electronics industry has performed wonders, but so far no one has come up with a machine that can determine just the proper maturity of vegetables and melons or fruit, then proceed to pick them. Even the smaller grower, limited in the amount of labor-saving equipment that he can buy, must have additional hand labor during harvest peaks, for vegetables, melons, and fruits are highly perishable and harvesting cannot be delayed. Thus, the arguments as to family farm versus corporate farm have no place in the consideration of present legislation.

Seldom has the Congress been faced with the consideration of such contradictory and misleading statements and statistics as those which appear in the hundreds of pages of testimony on farm labor conditions placed before this law-making body in recent years. For this reason, decisions based on social and economic equity have been made difficult for fair-minded legislators, particularly those who realize that the integrity of the American food supply is in the balance, and that ultimately the consumer will suffer if the Congress enacts farm

labor legislation which violates the principles of sound economics. Objective research to determine the greatest good to the greatest number is the only rational solution to the problem.

It is for this reason that the Western Growers Association, representing vegetable growers, large and small, who furnish 40 percent of the American supply of these commodities, has urged the Congress to extend Public Law 78, and bring to an end bureaucratic tinkering with the supplemental labor supply.

Background statistics as to the type of crops, acreage, production, and value for Arizona and California are shown below:

CALIFORNIA-ARIZONA ROW CROPS TOP NATION AGAIN IN 1959

(By Gerald R. Strauss, editor, Western Grower and Shipper)

California-Arizona growers led the Nation once again last year in acreage, production, and value of vegetable and melon crops, according to figures released by the Crop Reporting Board of the USDA Agricultural Marketing Service.

Vegetables and melons grown in the two Western States during 1959 were produced on 740,730 acres (21.3 percent of the Nation's total acreage of these crops), totaled 128,621,000 hundredweight (37.3 percent of the total U.S. production) and were valued at \$437,043,000 (41.5 percent of the total U.S. value).

As in years past, California dominated the rest of the States, ranking first in acreage (22.1 percent of U.S. total), first in production (33.5 percent) and first in value (40.1 percent) of vegetables and melons produced for the fresh market.

The Golden State also ranked first in production (32.7 percent) and value (26.4 percent) of vegetables and melons produced for processing. It ranked second (14.2 percent) behind Wisconsin (15.3 percent) in acreage planted for processing of these commodities.

Arizona, too, was prominent among the Nation's agricultural States, ranking fourth in acreage (4.9 percent), fourth in production (6.8 percent) and third in value (6.4 percent) of vegetables and melons produced for the fresh market.

California and Arizona potato growers were also among the Nation's leaders in 1959, producing 12.1 percent of the Nation's production on 7.6 percent of the U.S. acreage and accounting for 16.8 percent of the Nation's value for this crop.

The bulk of the California potato crop (14,625,000), it should be pointed out, was produced in the late spring and accounted for more than half the Nation's late spring potato acreage.

1959 California-Arizona vegetable and melon crop summary

(Figures issued by Crop Reporting Board, USDA Agricultural Marketing Service)

	Acres	Production (hundred-weight)	Value
Artichokes.....	9,400	376,000	\$3,419,000
Asparagus.....	77,800	1,867,000	21,005,000
Beans, green lima.....	22,100	754,000	5,426,000
Beans, snap.....	8,200	1,059,000	9,711,000
Broccoli.....	26,800	1,654,000	13,004,000
Brussels sprouts.....	4,800	528,000	4,690,000
Cabbage.....	11,500	2,690,000	6,372,000
Cantaloupes.....	69,100	9,219,000	42,553,000
Carrots.....	25,200	6,769,000	27,916,000
Cauliflower.....	14,400	2,351,000	7,375,000
Celery.....	13,050	8,663,000	29,083,000
Corn, sweet.....	20,200	1,527,000	6,970,000
Cucumbers.....	6,200	1,242,000	4,965,000
Garlic.....	3,200	272,000	2,576,000
Honeydews.....	6,400	1,131,000	6,108,000
Lettuce.....	179,800	29,904,000	108,402,000
Onions.....	16,800	5,846,000	12,488,000

1959 California-Arizona vegetable and melon crop summary—Continued

(Figures issued by Crop Reporting Board, USDA Agricultural Marketing Service)

	Acres	Production (hundred-weight)	Value
Peas, green.....	12,800	444,000	3,069,000
Peppers, green.....	4,600	598,000	6,662,000
Spinach.....	10,900	1,530,000	2,923,000
Tomatoes.....	164,100	47,598,000	100,783,000
Watermelons.....	26,700	4,325,000	11,239,000
Not broken down.....	1,620	214,000	304,000
California and Arizona total.....	740,730	128,621,000	437,043,000
U.S. total.....	3,481,700	345,093,000	1,051,878,000
Percent of U.S. total.....	21.3	37.3	41.5

¹ California beets for canning, California sweet corn for processing, Arizona cucumbers for pickles, California fall spinach for processing, Arizona tomatoes for processing.

1959 California-Arizona potato crop summary

(Figures issued by Crop Reporting Board, USDA Agricultural Marketing Service)

	Acres	Production (hundred-weight)	Value
California and Arizona total.....	105,200	29,478,000	\$83,374,000
U.S. total.....	1,392,200	242,998,000	495,734,000
Percent of U.S. total.....	7.6	12.1	16.8

(Mr. RHODES of Arizona asked and was given permission to revise and extend his remarks.)

Mr. HOEVEN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. BARRY].

Mr. BARRY. Mr. Chairman, I rise in support of this legislation. Although a New York Congressman, I also happen to be a farmer from southern California. I want to assure Members of the House that on my farm we pay \$1.50 per hour for farm labor, and still cannot get it.

My farm is in the district represented by Mr. SAUND, it is in the Imperial Valley area. The farm labor that comes in from Mexico takes care of this vast farm industry, which could not possibly survive without it.

This is a good bill. It is in the economic interest of the Nation, and especially the farmers in this highly productive area.

(Mr. BARRY asked and was given permission to revise and extend his remarks.)

Mr. HOEVEN. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. BENTLEY].

(Mr. BENTLEY asked and was given permission to revise and extend his remarks.)

Mr. BENTLEY. Mr. Chairman, I am sure that those older Members of the House who were here when this bill was passed 6 years ago will understand when I say I never come on the floor in connection with Public Law 78 without some apprehensive glances up in the galleries.

Now, we have H.R. 12759 before us providing for a straight 2-year extension of Public Law 78. I think there are many

reasons why this bill should be passed without amendment or without change. In the first place, in a highly industrial State like my State of Michigan, where we have a substantial amount of unemployment in our large industrial centers from time to time, and where we still use some 8,000 or more of these Mexican contract laborers a year, our farmers have found it absolutely impossible to get reliable, skilled, trained domestic labor to perform many of these so-called stoop labor tasks involving the thinning of sugar beets, the picking of pickles, and the harvesting of cherries, apples, and so forth, from our various orchards and so forth. Of course, the committee is well aware that the Department of Labor will not certify any grower for Mexican contract labor unless all attempts to find domestic labor have been exhausted. Many times, however, our growers have been certified to use domestic labor with the result that the labor is unskilled and the particular crop is damaged, resulting in practically a total loss, or the workers will come out one day and the boys will get an hour or two of work in the sun and the next day they will not show up, or if they are temporarily laid off from the automobile plants, many times right in the middle of the crop season, and the work picks up, the boys are called back to the factories, and there goes that crop for the year. Our farmers, just like the farmers in other parts of the country that use this Mexican contract labor, have to rely on a steady, guaranteed, skilled source of supply, and there is absolutely no way they can get it except under a continuation of this program.

Mr. Chairman, I have had some experience with this program in Mexico. I was down there in 1943 with the U.S. Government when it started out. And, I know what the feeling is among the Mexican people to a great extent. If you tamper with this program or if you terminate it or do anything to cut off the ability to recruit Mexican contract labor in Mexico, you are going to have the entire Mexican-United States border crawling with illegal entrants, the so-called wetbacks. I think it is much more advisable to have these people come in as they do now under contract, with supervision by the Immigration people, so that when their employment is terminated they will go back to Mexico and not come up as illegal immigrants with the problems that are incident thereto.

Mr. HOEVEN. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HOFFMAN].

(Mr. HOFFMAN of Michigan asked and was given permission to revise and extend his remarks.)

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. I will ask the gentleman, does he have any unemployed people in the State of Michigan?

Mr. HOFFMAN of Michigan. Surely; we have them on unemployment relief and they will not take a job when it is offered.

Mr. BAILEY. Because under this they could not get a job for more than about 50 cents an hour.

Mr. HOFFMAN of Michigan. No; because they do not get what they want. Some families make as much as \$50 a day picking cherries. These folks who are on unemployment relief, many of them work in the resort industry and then when Labor Day comes and many will not go over to the canning factory on a job until they have exhausted their unemployment compensation. I know; they write me and so do those who need employees.

Mr. BAILEY. If you paid them a reasonable wage in the canning plant, they would take jobs there.

Mr. HOFFMAN of Michigan. No they will not. Not until they have used unemployment and they go hunting and fishing on vacation. The canning workers do not get as much money as the gentleman's coal miners in West Virginia, who own a bank down here in Washington, stock in others and have cash deposits and a welfare fund. John Lewis fixed that by making everyone who used coal pay more. You are supposed to be in a wonderful situation there; you have a wealthy group of United Mine Workers and then you have a lot of people who are on relief. How can the gentleman justify having the two classes. That is what John Lewis did down there. He contributed three-quarters of a million dollars to Roosevelt's campaign—do you remember that? Where did he get that money? He got it out of the miners.

Sure, we have Mexicans in Michigan, a lot of them. We must have them or we could not get the crops harvested, because growers cannot afford to pay what some of these people demand. Our Americans will not work at that stoop labor.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. COOLEY. Do I understand the gentleman from Michigan is in favor of the enactment of this bill? Is the gentleman in favor of the bill we have under consideration?

Mr. HOFFMAN of Michigan. Surely.

Mr. COOLEY. That is what I thought.

Mr. HOFFMAN of Michigan. Can't the gentleman tell from what I am saying?

We all know that is the situation. Our American workers will not do this work; there is no argument about it. The work is what Fred Crawford used to call stoop labor. Our workers just won't do it. Go ahead and raise their wages, and as the two gentlemen from California said yesterday, you will pay more or go without the farm products.

I know what they will do. They will raise the price of oranges so that many will not be able to get an orange peel, to say nothing of the pulp inside it. That is what will happen when you boost the wage. Are not prices high enough to suit you now? All you will ever get out of these increases is the opportunity to

handle more dollars which buy less, I will say to my friend from West Virginia.

Mr. COOLEY. Mr. Chairman, I yield such time as he may require to the gentleman from New Mexico [Mr. MONTROYA].

(Mr. MONTROYA asked and was given permission to revise and extend his remarks.)

Mr. MONTROYA. Mr. Chairman, I appreciate having a few moments with respect to one of the aspects of the farm labor program. I am speaking of the impact which the importation of Mexican nationals—braceros—has had on the employment of domestic workers. There has been considerable testimony which would lead one to believe that domestic workers have been denied employment because of the employment of Mexican nationals. Many of us contend that this is not a true picture and that, in fact, the inability of the farmer to obtain domestic labor has forced him to rely on the Mexican contract worker.

The need for Mexican nationals is simple. They are needed to perform those agricultural activities when there is not a sufficient number of domestic labor available. In many areas of our country there has been a year-round shortage of agricultural workers and the use of foreign labor to relieve this shortage is as old as the agricultural industry. During World War II some prisoners of war were used to supplement domestic labor but the enactment of Public Law 78 made it possible to legally import Mexican nationals to supplement the local labor force.

The latest survey by the Agricultural Experiment Station, New Mexico State University, indicates the present outlook for New Mexico farm labor as being an increase in demand but a limited supply of available domestic workers. Proximity to labor surplus areas in Mexico, and a national farm labor deficiency of some 400,000 to 500,000 seasonal workers annually, leads us to believe that shortages of agricultural labor in New Mexico will have to be met from the Mexican nationals source.

The survey further shows that the composition of the New Mexico labor force has been changing significantly in the past 15 years. The total number of workers in agriculture, including regular and seasonal hired wage workers and farm operators, declined 21.7 percent from 1947 to 1958 in New Mexico, while the number of construction workers employed increased by 98.3 percent.

In 1947 there were about 50,600 workers in agriculture, amounting to 25 percent of the total labor force in the State. The number of workers in agriculture decreased to 39,600 in 1958 and made up only 12.1 percent of the labor force. Where have these 11,000 former agricultural workers gone? Construction work, one apparent field, increased by 11,800 workers during this period. Probably not all of the 11,000 agricultural workers joined the construction trade, but large numbers have made this shift.

In the past few years considerable local unemployment has developed in the mining communities of the State. Efforts to recruit unemployment miners for agricultural work have been disappointing. One labor user association in southwestern New Mexico made a vigorous effort, through the employment service office and through newspaper, radio, and TV announcements, to encourage unemployed miners to come to the employment office for interviews. On the appointed day, four workers appeared for an interview. One worker promised to accept employment but actually no workers presented themselves at the contracting association for employment.

A second association was able to recruit 11 unemployed miners from Grant County, N. Mex., and Morenci, Ariz. Eight of these workers are presently employed, three having left a few days after placement.

I want to emphasize that no farmer would incur the expense of having to import Mexican labor if he could go to town and have the labor hauled to the farm on a day-to-day basis. In addition to costs, the administration and supervision of the workers necessary to comply with the standard work contract is time consuming and presents additional problems. There is every reason to believe that a farmer is willing to utilize local labor to the utmost but the fact remains that the availability of this labor is limited and in many instances unreliable. Thus, in the main, the farmer is forced to depend on the bracero labor.

For many years local workers have migrated from agricultural employment to jobs in cities and towns across the United States; 1 farmworker now produces enough food and fiber for approximately 25 other persons whereas in 1940 1 farmworker produced only enough for himself and 11 other persons. Agricultural productivity per worker has increased faster than population since 1950; consequently, fewer workers are required in agriculture. Manpower released from agriculture has made possible increased production of other goods and services.

Expanding opportunities for employment in nonagricultural work in New Mexico have accompanied the economic growth of the United States in recent years. The expansion of these nonagricultural industries has taken many workers from agricultural jobs and forced farmers to seek labor outside the State and/or to mechanize their farming operations.

New Mexico has experienced tremendous growth in the building of homes, businesses, highways, and military installations. As I have said, a large number of former agricultural workers have taken jobs in the construction trades, and also in servicing businesses.

There is a strong reluctance on the part of workers, although unemployed, to return to agricultural jobs upon termination of their nonagricultural jobs, because agricultural work is no longer appealing to them, for both economic and sociological reasons. A serious problem exists for these workers and

the community. When a slump hits the nonagricultural sector and men are laid off, they are presumably available for farmwork. However, most will not accept jobs on farms after having received higher wages in nonagricultural jobs. Often when such men return to agricultural jobs, they do not perform satisfactory work.

The changing attitudes toward work on farms and opportunities for nonagricultural employment along with the differences in wage levels between agriculture and other industries have had serious effects on the local labor force available for agricultural employment. Farmers have not been in a position to offer wages comparable to those paid in the nonagricultural industries because they have no way of passing the increased cost of labor on to the consumer, as can be done in other industries. Herein lies the heart of the problem of rising production costs to the farmer. Farmers operate on a very competitive type of selling market and buy in a non-competitive type market. To obtain a dependable source of workers, farmers have utilized the Mexican national under the provisions of Public Law 78.

Now you may ask, What about the use of migrant workers? The truth of the matter is that farmers' experiences with migrant workers indicate that they are not always reliable farmhands. Employment of such workers has also proven to be expensive for farmers since the time required to train the worker probably may, and often does, exceed the length of time the worker stays on the job. These migrant workers do not like to stay in one place very long and in fact many times they will leave before all work is done for no apparent reason other than that they just want to move to a new area.

New Mexico representatives of 7 employer associations in 1958 recruited on 156 orders for 382 workers in Oklahoma and representatives of 5 associations recruited on 137 orders for 223 in Missouri. Out of the hundreds of workers interviewed, 160 indicated they would accept the jobs offered; but only 58 actually reported to the employer and started work. After several months, only 15 of the workers remained on the job they had come to New Mexico to accept. A year later, only two were still on the job.

There is no question but that the recruitment efforts demonstrated by New Mexico employers of Mexican nationals indicates willingness to hire domestic workers. However, their efforts have been costly and unsuccessful. Foreign workers have increased in importance as a source of seasonal agricultural labor since 1954, although they have declined by 26 percent in numbers employed on farms and ranches in New Mexico.

I believe it is incumbent upon the Congress of the United States to extend the Mexican farm labor program in order to fill the need for farmworkers in many areas of the country; areas that cannot otherwise come anywhere near to meeting the pressing problem. All of us appreciate the many-sided controversy but we must be objective; we must do the best we can.

Mr. COOLEY. Mr. Chairman, I yield the remaining time on this side to the chairman of the subcommittee, the gentleman from Arkansas [Mr. GATHINGS].

(Mr. GATHINGS asked and was given permission to revise and extend his remarks.)

Mr. GATHINGS. Mr. Chairman, the Subcommittee on Supplies, Machinery, and Manpower held extended hearings on this legislation. We reported out a bill that bore my name, that was really a committee bill. That legislation had two parts. One incorporated the identical language carried in the Sisk bill which would extend Public Law 78 for a period of 2 years. The other provision was one that had to do with the Wagner-Peyser Act, which was passed by this Congress in 1933, and the regulations that had been promulgated under the provisions of that act by the Secretary of Labor.

It was felt in the dying hours of this Congress that we did not have sufficient time to go into the second version of that legislation, so we deferred action on that until the next session when we would have an opportunity to consider that phase of it.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. GATHINGS. I yield to the gentleman from Texas.

Mr. POAGE. Am I not correct in saying that the subcommittee and later the committee felt that it would be unnecessary and unwise to bring in the additional provisions inasmuch as it was clearly the existing law and that the committee felt that the Secretary had no power to exercise the powers that he claimed to have a right to exercise; and since he had no power, we would be but doing a vain thing to try to say to him that he could not have this power that he did not have.

Mr. GATHINGS. We recognize that he does not have that power to issue these regulations under the Wagner-Peyser Act since the legislative branch gave no such authority to him.

Mr. POAGE. That is right. We all recognize he does not have those powers today. I want it understood that right now we are advising the House that this is a part of the legislative history.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. GATHINGS. I yield to the gentleman from West Virginia.

Mr. BAILEY. Are we to understand that you are going to put the Secretary of Labor, Mr. Mitchell, on record as being for this legislation?

Mr. GATHINGS. I am not speaking for the Secretary of Labor.

Mr. BAILEY. I am saying that he is not for this legislation.

Mr. GATHINGS. He may not be and he may be, but he has been supporting it previously.

Mr. BAILEY. You are taking away from him authority that he already has.

Mr. GATHINGS. I will not yield any further to the gentleman. He has assured authority that does not exist. Congress is the legislative branch and it has exempted the farmer from the

provisions of the Fair Labor Standards Act and the Landrum-Griffin Act.

Mr. McINTIRE. Mr. Chairman, will the gentleman yield?

Mr. GATHINGS. I yield to the gentleman from Maine.

Mr. McINTIRE. Am I correct in my understanding that the subcommittee that considered this legislation had under consideration the matter of the jurisdiction of the Wagner-Peyser Act, and that after very careful consideration it is the opinion of the subcommittee and the full committee that the Wagner-Peyser Act does not grant to the Secretary of Labor the authority to deny the use of Employment Security offices to farmers unless they comply with such conditions as the Secretary of Labor may wish to impose?

Mr. GATHINGS. It does not and did not grant him such authority. That is the opinion of the subcommittee and the full Committee on Agriculture. There were only three dissenters on the committee which is composed of 33 members.

Mr. McINTIRE. The fact that the conditions of the Wagner-Peyser Act are not a part of the legislation now before the Committee does not change the position of the subcommittee in relation to our understanding of the provisions of that act?

Mr. GATHINGS. Not at all. As a matter of fact, it is necessary that we act and act soon on this simple extension of Public Law 78. It is highly essential that we do so. The Department itself must take up the budget requirements this fall and be ready to ask for the money necessary to run this program next year. The farmer has to make his financial arrangements for the operation of his farm in 1961.

Mr. BREEDING. Mr. Chairman, will the gentleman yield?

Mr. GATHINGS. I yield to the gentleman from Kansas.

Mr. BREEDING. Mr. Chairman, I rise in support of the legislation and agree wholeheartedly with the remarks of the gentleman from Arkansas.

Mr. Chairman, I want to make a few additional remarks in support of the Mexican farm labor program now under discussion. This bill would extend for 2 years the Act under which workers are brought into the United States from Mexico under the supervision of the Department of Labor, to assist in seasonal farm operations in this country. This program has been of tremendous value in providing seasonal help to farmers. This supply of experienced farmworkers is very definitely required to plant and harvest our crops. At the present time, such commodities as sugar beets, melons, onions, and other vegetables can only be grown and harvested with the assistance rendered under Public Law 78. Many crops depend upon labor provided under this program. I feel that its extension is imperative if we are to continue to produce these commodities. I urge that this measure be approved by this great body.

(Mr. BREEDING asked and was given permission to revise and extend his remarks.)

Mr. GATHINGS. What are the reasons for the extension of Public Law 78? In the first place, it is necessary to get supplemental labor to harvest food and fiber crops, when domestic workers are not available. The act has almost entirely eliminated the wetback menace in this country. Let us look at the figures given by the Immigration Service to us. For instance, in 1954, 1,475,168 swam the river and came into this country and worked on the farms of America to earn a livelihood. After we had this legislation on the statute books, the figures show in 1959 that that 1,475,168 had been reduced to only 35,196 who entered this country illegally.

That is the value of this legislation. It also benefits the Mexican worker. Those Mexicans who have been driving an ox cart at 75 cents a day will make \$7 or \$8 a day under a contract to do farmwork in this country. That money goes back into the channels of trade and it helps Mexico in trading with America. It helps our factories. Those dollars come back to this country in export trade and it keeps our factory wheels turning and our labor employed.

Mr. TEAGUE of California. Since the adoption of this Mexican contract farm labor program, we have fewer Mexican farm laborers in this country for the reason that the illegal wetback entries have been reduced from 1 million to about 30,000?

Mr. GATHINGS. Yes. We only have now coming in under the contract something less than 500,000. They only come in when it is certified by the Secretary of Labor that you cannot get this labor from any other source.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. GATHINGS. I yield to the gentleman from West Virginia.

Mr. BAILEY. Does the record show there are only 30,000 wetback Mexicans in this country, when the figures show that we have millions?

Mr. GATHINGS. That was the number apprehended, according to the record.

Mr. BAILEY. That is better.

Mr. GATHINGS. This program is a producer of dollars to the Mexican economy. It builds good will across the border.

I want to say that the consultant's report has been brought into this debate by the gentleman from Rhode Island. He has introduced what is known as the McGovern bill, or a good part of that bill is incorporated in the amendment of the gentleman from Rhode Island. The consultant's report was before our committee and we studied it carefully. There is an advisory committee already set up in the Department of Labor consisting of 48 men. It was created to advise the Secretary of Labor with respect to the various problems that might arise from time to time. They have a subcommittee known as the Mexican Labor Subcommittee, composed of 13 individuals. Mr. Langenegger of Mexico came before our committee. He advised the subcommittee that the Department of Labor did not take the advice of that 13-man

subcommittee on labor at all. Now they come up with a consultant's group. Why should this Congress be asked to take the advice of the consultant's group in this instance? They said what we need to do is to cut down this program 20 percent each year, and in 5 years fold it up. If that is done, we would not have an ample supply of food and we would not have something to wear on our backs. It would be calamitous to be reducing the number constantly because you have a different situation in various areas with respect to weather conditions. In the Southwest we had considerable rain this spring.

As a result our fields were filled with grass and weeds. It was necessary to get a supplemental supply of labor. Instead of the 6,000 we had a year ago for spring chopping at this time it was necessary to bring in more than 11,000 and even to supplement that number so that now we have better than 12,000 that have come in to do that necessary work in our fields. So weather conditions do play an important part.

The report states that this is a low-wage industry and they cited cotton wages as an example. Farmworkers are entitled to good wages; all of our workers are entitled to good wages; they are getting good wages. We are all in favor of giving the workingman what is just and proper, that to which he is entitled. Let us look now to the report. This report did not mention the increased cost of producing a crop. This report did not mention the decline in the price the farmer receives for a particular commodity.

The gentleman from Mississippi [Mr. SMITH] put information in the RECORD obtained from the Extension Service of the State of Mississippi showing that there was a decline in the price of cotton of 6 cents a pound, or \$30 a bale from 1951 to 1957. That report further states that between the period 1940 to 1955 the cost rises were as follows: Wages had advanced 200 percent; machinery prices were up 115 percent; land price was up 150 percent; and taxes were up 115 percent.

This report indicates that what we need today is to have more controls and more people to go out and enforce this particular law. A police force from Washington.

I hope and trust we will extend this very meritorious law and vote down the amendment to be offered by the gentleman from Rhode Island.

The CHAIRMAN. The time of the gentleman from Arkansas has expired, all time has expired.

The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 509 of such Act, as amended, is amended by striking "June 30, 1961" and inserting "June 30, 1963".

Mr. FOGARTY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOGARTY: Page 1, line 4, add the following: "Section 501 of the Agricultural Act of 1949, as amended, is amended by deleting the first paragraph and substituting therefor the following:

"SEC. 501. The Secretary of Labor is authorized to determine whether and to what extent it is necessary to augment the agricultural labor force in the United States by supplying workers from the Republic of Mexico. Such workers shall be supplied pursuant to arrangements between the United States and the Republic of Mexico only if the Secretary certifies that (A) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which foreign workers are to be employed, (B) the employment of such foreign workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed, and (C) reasonable efforts have been made to attract domestic workers for such employment, including independent and direct recruitment by the employer requesting foreign workers, at terms and conditions of employment comparable to those offered to foreign workers. No workers shall be supplied pursuant to the provisions of this title except for seasonal employment or employment requiring no specialized skills.

"In carrying out the provisions of this title, the Secretary is authorized—"

"(b) Section 501 of such Act is further amended by renumbering paragraphs (2), (3), (4), (5), and (6) as paragraphs (4), (5), (6), (7), and (8), respectively, and inserting after paragraph (1) the following new paragraphs:

"(2) to fix the ratio of agricultural workers from the Republic of Mexico to domestic agricultural workers which may be employed by any employer, when necessary to assure active competition for the available supply of United States agricultural workers;

"(3) to establish specific criteria for judging whether the employment of Mexican agricultural workers in the United States is adversely affecting or will adversely affect the wages, working conditions, or employment opportunities of domestic workers similarly employed. Such criteria shall include but shall not be limited to (a) failure of wages and earnings in activities and areas using Mexicans to advance with wage increases generally; (b) the relationship between Mexican employment trends and wage trends in areas using Mexican workers; (c) differences in wage and earning levels of workers on farm using Mexican labor compared with nonusers;"

"(c) Section 501 of such Act is further amended by substituting the words 'paragraph (5)' for the words 'paragraph (3)' where they appear in paragraph (6), as so redesignated by subsection (b) of this section.

"SEC. 2. Section 502(3) of such Act is amended by substituting the words 'section 501(6)' for the words 'section 501(5)' therein.

"SEC. 3. Section 503 of such Act is amended to read as follows:

"SEC. 503. No workers recruited under this title shall be made available to any employer unless the United States agricultural workers employed by such employer are paid at wage rates not less favorable than those required to be offered to Mexican workers."

"SEC. 4. Section 506 of such Act is amended by deleting the word 'and' at the end of paragraph (2), striking the period at the end of paragraph (3), and inserting in lieu thereof the following: "; and", and by adding at the end thereof the following new paragraph:

"(4) issue such rules and regulations as may be necessary to carry out the provisions of this title."

Mr. FOGARTY. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mrs. CHURCH. Mr. Chairman, will the gentleman yield for a question?

Mr. FOGARTY. I yield to the gentleman from Illinois.

Mrs. CHURCH. May I ask the gentleman, Does the amendment which he has offered contain in the main the substance of the McGovern bill?

Mr. FOGARTY. The amendment constitutes all of the McGovern bill with the exception of the phasing-out section, the last section of the McGovern bill.

Mrs. CHURCH. May I ask the gentleman whether the Secretary of Labor favors this amendment?

Mr. FOGARTY. The Secretary of Labor does favor the amendment. The council favors the amendment. Practically every church group in the country favors the amendment, and practically every other group that has some interest in the domestic farmworker favors the amendment. I have received a number of communications supporting the amendment from church groups, civic organizations, and respected individuals. Typical of these are the following letters from the Friends Committee on National Legislation, the National Consumers' League, and a druggist from Arizona; an editorial dated June 20, 1960, from the Houston Chronicle; a newsletter from the Religious News-weekly; and a telegram from produce growers in California and Arizona:

FRIENDS COMMITTEE
ON NATIONAL LEGISLATION,
Washington, D.C., June 27, 1960.

DEAR CONGRESSMAN: Based on intimate contact with farm labor in California by field workers of the American Friends Service Committee over a period of several years, we believe that H.R. 12759 reported to the House recently should be amended.

This bill would extend the Mexican farm labor importation program for 2 years without any control of wage rates or working conditions. It completely disregards the recommendation of a distinguished group of impartial consultants in a report to the Secretary of Labor last year.

We believe that mass importation of Mexican farm labor without adequate regulation of wage rates and working conditions has far-reaching adverse effects on American farmworkers and family farms—segments of our economy already in serious distress.

Recognizing that basic changes in the present situation cannot be effected immediately and that some importation of workers to harvest perishable crops will continue to be needed, we urge adding sections 1, 2, 3, and 4 of the McGovern bill, H.R. 11211, to H.R. 12759. The McGovern bill would provide protection for both domestic and imported farmworkers by giving the Secretary of Labor authority to determine the need and set standards for the employment of Mexican workers as recommended by the consultants last year.

Sincerely yours,

E. RAYMOND WILSON.

NATIONAL CONSUMERS LEAGUE,
Washington, D.C., June 28, 1960.

Hon. JOHN E. FOGARTY,
House of Representatives,
Washington, D.C.

DEAR MR. FOGARTY: In our letter of June 7 we wrote you concerning the Mexican farm labor importation program urging your opposition to the Gathings bill and support for the McGovern bill. Since then, the House Agriculture Committee has obtained a new rule replacing the Gathings bill by H.R. 12759, introduced by Mr. SISK. The Sisk bill will come before the House of Representatives this week. We urge you to oppose it.

The Sisk bill differs from the Gathings bill in only one respect—it omits a section which would have forced the U.S. Employment Service to recruit domestic farmworkers to undercut area prevailing wages and working conditions. As undesirable as that section of the Gathings bill was, the dangers inherent in the Mexican farm labor program are not relieved by its omission. By extending the Mexican importation program as is for 2 years, the Sisk bill would continue all of the abuses of the current program and thereby continue the basic cause of the deplorable wages and high unemployment of American farmworkers.

We therefore urge you to oppose the Sisk bill, H.R. 12759, unless it is amended to include protections which would prevent the use of Mexican farmworkers to the detriment and impoverishment of American farmworkers. These amendments will probably be offered by Mr. JOHN FOGARTY.

Sincerely yours,

VERA WALTMAN MAYER,
General Secretary.

VALLEY DRUG,
Somerton, Ariz., June 27, 1960.

Hon. J. E. FOGARTY,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. FOGARTY: As a merchant in a town that has been wrecked by the bracero plan, I beg you to restrict it in every way possible. There is no justification for any employer to use braceros on a year-round basis. If no employer were allowed to use braceros in more than 8 months during the year, then the employer would have to try to find citizens for the full-time jobs. There is no attempt to find such employees now.

This is one of the areas where braceros make up more than 80 percent of the farm labor force. Since the farmwork was turned to them in 1953, at least 10 Main Street merchants in Somerton have had to close their businesses. Odd as it may seem, one of the few attempts to improve conditions is a major factor in the decline of this town. The Department of Labor set up minimum housing requirements for braceros, but General Swing, of the Department of Immigration and Naturalization, offered the farmers an out. He decided that the braceros could live in Mexico and commute to jobs here. Naturally, the farmers approved of this, because they were able to thus avoid all housing regulations. The braceros are happy with the setup because they do well according to the standard of living in Mexico. For domestic workers to come into this area, they must accept a wage that supports the Mexican standard of living. Only by lowering our standards to theirs can we compete. That is why over 80 percent of the jobs are held by braceros. The law as written never intended for braceros to live in Mexico and commute. Please try to put an end to this.

If year-round employment is stopped, commuting daily from Mexico is stopped, and your 20-percent-per-year reduction in the number of braceros to be imported is

adopted, then there will finally be an end to the situation in sight.

Yours very truly,

JACK PATE.

NOTE.—It might interest you to know that enforcement has been so lax that in many cases one bracero has held the same job for the same employer for 5 years or more. Each 18 months a new contract would be issued in his name. The law never intended this.

[From the Houston Chronicle, June 20, 1960]
HIGHER PAY, NOT MASS BRACERO PROGRAM, IS PROPER SOLUTION

Congress is looking into the problem of the migrant farmworker—one of those problems we always have with us and of which we cannot be proud.

A House resolution would continue for 2 years, without change, Public Law 78 which provides for the mass importation of Mexican farmworkers, or braceros. It also would deny the Secretary of Agriculture his present authority to establish standards for wages, transportation, and housing for farm workers recruited by the U.S. Employment Service. The National Consumers League calls the House resolution (No. 12176) thoroughly bad, particularly in that it would, the league says, permit undercutting of existing area wages and other standards. The league goes on from there to assert that importation of braceros should be eliminated over a 5-year period.

The bracero program has worked well for the imported laborers and for the farm-owners. However, it has worked a tremendous hardship on the native American farm laborer.

Its purpose was to assure an adequate supply of farm labor and incidentally stop the evil of the invasion of "wetbacks" who often were exploited and were constantly subject to deportation. Its purpose was not to depress farm wages or to drive the native farmworker out.

A case can be made for the theory that the bracero depresses wages. He certainly is too tough competition for the native migrant laborers. While the bracero can earn enough money in 3 to 6 months for his family to live on in Mexico for twice as long, the native American farm worker cannot live in this country on the 50 cents an hour which is the usual wage the bracero gets. (Cotton picking generally pays a little more.)

The result is that each year as the harvest season begins there is a mass exodus of Texas farm workers, mostly Latin Americans, to points in the North and Northwest where they can get better wages and are not so directly exposed to competition from their fellow Latins from across the border.

What is needed, it would seem, even more than a program of phasing out the importation of braceros over a period of years is to raise farm wages in Texas and other States where the minimum is anything like 50 cents an hour. Surely \$1 an hour is little enough for that hard, back-breaking work. If wages were raised to \$1 an hour the lot of the native farm laborers would be greatly improved and the domestic farmworker supply might rise sharply, making the importation of anything like 400,000 or 500,000 braceros each year unnecessary.

[From the Religious Newsweekly, New York, N.Y., June 14, 1960]

RHODE ISLAND COUNCIL ISSUES CALL FOR ACTION ON MIGRANTS

The legislative committee of the Rhode Island State Council of Churches last week issued a call for action by its member churches concerning Public Law 78. The law, passed by the 82d Congress during the last war, governs the entry of farm labor from Mexico. It expires on June 30, 1961, but two

bills now in the House of Representatives would extend and amend it.

"The present law," says the committee, "has permitted increasing numbers of Mexican farm laborers to enter the United States—one-half million in 1959—to the detriment of domestic workers who have been deprived of employment."

The committee voices its support for H.R. 11211, known as the McGovern bill, which would extend the present law but with a 20-percent reduction in the numbers of Mexican migrants admitted yearly until its abolition in 5 years.

Another bill, H.R. 12176, the Gathings bill, is supported by users of Mexican labor and some farm organizations, the committee points out. It would extend Public Law 78 for 2 years and amend it to prohibit regulations to protect wages and employment conditions for U.S. farmworkers.

The committee also cites the resolution passed by the general board of the National Council of Churches last February, which opposed extension of Public Law 78 in its present form.

"If the cause of the voiceless migrant workers is to be heard," says the committee, "it must be presented by concerned people with a Christian conscience who are willing to speak out in their behalf."

State church people are urged to contact their legislators, who are listed in the call. Attached to it was the information on the issue prepared by "the distinguished consultants appointed by the Secretary of Labor" to the National Advisory Committee on Farm Labor.

The call was issued by Mrs. Thomas S. Kraft, chairman of the legislative committee, and Mrs. Frank W. Skoog, chairman of the council's migrant ministry committee. Executive director of the Rhode Island State council is Dr. Earl H. Tomlin.

"In regard to H.R. 12176, the undersigned grower and shipper of produce both in California and Arizona is of the opinion that continuance of the bracero program in an unrestricted manner will further encourage production of surplus commodity. The continuing growth of many items depending on bracero labor is not only defeating the purpose of the program but creating surplus and depressing the market. Returns to growers are lower by far less than cost of production a great deal of the time. We urge a restudy of H.R. 12176 and imposition of limits on the program both as to crops and numbers of braceros permitted to each grower. Present commercialization and abuse of program by large growers and shippers to detriment of small growers is destroying its usefulness."

This wire sent by John Norton, Norton Produce Co.; Chet Johns Produce Co.; Floyd Smith Produce Co.

Mrs. CHURCH. I would like to say to the gentleman that in addition to the large number of church groups, consumers' groups and countless individuals seeking improvement of the working and living conditions of migrant farm laborers, including Mexicans, this gentlewoman representing the 13th District of Illinois also hopes that the gentleman's amendment will be accepted.

Mr. FOGARTY. I thank the gentlewoman from Illinois.

Mr. Chairman, on yesterday I rose and said that I intended to offer the so-called McGovern bill with the exception of the phasing out section which would end the program in 5 years. When this bill was first enacted into law I opposed it, and I have opposed it ever since. Neverthe-

less, sitting on the Appropriations Committee I have insisted that we provide sufficient funds for the administration of this act. We are now in conference with the Senate on that appropriation bill. Because of the breakdown of conditions in the southwestern section of our country, the Senate added \$60,000 or \$70,000 to take care of this particular problem of migrant labor, which I think is a sign that the longer this program goes on the worse it is going to get for the average domestic farmworker in this area.

I also said yesterday that this is a real fight for survival of the small farmer in our country. Here we are passing legislation that affects only 2 percent of all the farmers in the country; 51,000 farmers are using 440,000 or 450,000 Mexican nationals brought in under this program.

We were told when this bill was first enacted into law that it was a temporary war emergency measure to harvest the increased crops at that time and that there would not be any need to expand or extend it. But we have been extending and expanding it ever since.

We were also told it was going to help the farmers in general, but we are helping only 2 percent of the farmers and the 440,000 Mexicans who are being brought in. Certainly 75 percent of those 440,000 are going to be used by only two States in the Union. To me that is class legislation.

I spoke yesterday of how this bill has affected the eastern section of our country, as well as the Northeast and the Northwest. They are all in the same boat. In the Northeast we harvest our crops and we pay for it ourselves. We have had the problem of getting the necessary labor in peak periods when we import Puerto Ricans. We also have an agreement with Canada on Canadian help, all at no cost to the taxpayers or to the Government of the United States. The farmers in the Northeast and the eastern part of the country, and down in Florida where they compete with California in some products, do not have the same advantages that southern California enjoys in the employment of these Mexicans at 50 cents an hour. Florida farmers make agreements with the West Indians and Puerto Ricans and pay for it themselves. So, it is going to be a growing competitive problem between the States. And, I am afraid that my friends in California are just being lulled into complacency. They may feel that this is a good thing forever, but I think it is just a temporary good thing for some of the large growers in the State of California, because they pay a little higher wages in California than they do in some of the other States using this Mexican labor. As a result, the growers in California are going to feel this competition as we have found it from one end of the country to the other.

Let me give you an example. A few years ago the State of New York was producing about 30 percent of the canning tomatoes in our country. After a study made by the university it was determined it was costing \$14 a ton. But, their production has been going down

over the past 3 or 4 years. They have been losing that tomato industry in the State of New York. And, in California, where these low-wage Mexicans nationals are being paid now at a piece rate that sometimes yields as little as 50 cents an hour, the production of tomatoes is going up. They increased their production 33 percent over last year in the State of California. By the admission of the growers themselves, they say they can grow these tomatoes at \$9 a ton. The reason that the State of New York has lost this industry to the State of California is because they are using in increasing numbers these Mexican nationals. We were told 10 years ago, "Oh, we will not need many; this is just for the peak period." Well, in the first year of our operation we imported about 190,000. This year we are going to import 450,000. How many next year and the year after, I do not know. If we let this go by default, I can see it going up to a million or 2 million if necessary, to take care of the favored 2-percent of the farmers of our Nation. And at the same time, all the taxpayers of every State of the Union pay taxes into this kind of a program, to administer this type of farm labor program, at the expense of our domestic workers.

Everyone speaking from the well says the program applies only to stoop labor and peak periods. We would not be concerned so much about this kind of legislation if it was being used for stoop labor and peak periods, but that is not the case. Time and time again we have heard of people who are not living up to the law. Mexican nationals are driving tractors, they are driving farm machinery, which the law never provided for, and as long as they can get away with that, they will keep doing it day in and day out. Instead of peak periods now, we have examples of some of these larger growers having Mexican nationals on a year-round basis. Yet, right down on the border we have examples of growers employing as many as a 100 men and not using one Mexican national, right down on the border; not one. And, they are paying decent wages to the American farm worker. They are giving him a vacation with pay, and they are making money at it. Then, too, we have been given examples in the State of Arkansas and some of those lower-paid States where the domestic farmer workers are going up into the State of Washington from that area to get a job. And then we find these growers in two States asking for additional Mexican nationals to come in and do the work. They would not pay the domestic farm worker a decent hourly wage. It has been reported to us that some growers are paying 35 and 40 cents an hour in some of these areas, and that is why they are migrating from that area of the country up into Washington and Oregon, in many cases being paid \$1 an hour for their wages. That is the unfair part of this bill as I see it.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from California.

Mr. SISK. I appreciate the gentleman yielding. Of course, I completely disagree with most of what he said, because I do not think he is getting his information correct. But let me assume for the moment that what he says may be partially true. What will the amendment which the gentleman introduces do about the situation?

Mr. FOGARTY. These amendments, or these studies or recommendations that have been made by the consultants committee, will tighten up the program. It will help insure at least a half-decent rate for the domestic farmworkers of our Nation. If we adopt the legislation without these amendments we are saying to the domestic farmworkers in our country that they are third-class citizens. That is what you are doing. If you vote for this bill you are voting to make these domestic farmworkers third-class citizens. I do not see how in the world any of us can, on the floor, support a measure that will make any American, no matter who he is, a third-class citizen.

There is no room in this country for such a classification.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, I find myself in complete agreement with the remarks of the gentleman from Rhode Island. I know the tremendously adverse effect that this has had on agricultural workers in New Jersey. I wish the gentleman would address himself, if he has the time, to the most important issue involved here, to the moral issue, to what this has done in terms of depressing the American farm labor situation and how little benefit if, indeed, any, accrues to the imported Mexican worker.

Mr. FOGARTY. By statute and under standards developed by the Secretary of Labor, we are guaranteeing these Mexican nationals certain things that we do not give to our own domestic workers.

The CHAIRMAN. The time of the gentleman from Rhode Island [Mr. FOGARTY] has expired.

(Mr. FOGARTY asked and was given permission to proceed for 2 additional minutes.)

Mr. FOGARTY. Mr. Chairman, why we can guarantee Mexican nationals a minimum wage of 50 cents an hour, provide half-decent housing for them, and then deny these things to American citizens who are trying to make a living, who are hardly existing on the number of days of work they can get at this time, is more than I can imagine.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from California.

Mr. GUBSER. Mr. Chairman, I am an old tomato grower, and have had experience in it. However, I got out of the business because of the fact that I could not get an adequate labor supply. So there is no conflict of interest in what I say here today.

The gentleman made the statement that in the California tomato fields they

get 50 cents an hour and that the tomatoes can be produced for \$9 a ton. May I ask what is the gentleman's experience in actually growing tomatoes, and what is his source of information for those two statements? Because, from practical experience, I can tell you that the gentleman has been misinformed. Who pays 50 cents an hour in California to pick tomatoes? Can the gentleman name one?

Mr. FOGARTY. I am talking about the Mexican nationals.

Mr. GUBSER. There is not a Mexican national that has ever picked tomatoes at the rate of 50 cents an hour in California. I challenge the gentleman to prove otherwise.

Mr. FOGARTY. The statistics given to us and supported by the Department of Labor and by the consultants group show that it costs \$14 a ton to produce tomatoes in New York and \$9 a ton to produce them in California. As a result, California has been taking the market for these tomatoes from the State of New York.

Mr. GUBSER. If the gentleman will yield further, the reason California has gone ahead in tomato production is because within the last 10 years we have developed what is called the improved Pearson seed. We now direct-seed them into the fields instead of planting them in hot beds. It is an entirely different concept of planting. You pick the entire crop in two pickings. That is the reason we get 25 tons to the acre instead of 8 or 9 tons to the acre. That is the reason California leads.

Mr. MATTHEWS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have such deep affection for my dear friend, the gentleman from Rhode Island, that I hesitate to take the well in opposition to his amendment. But I do sincerely want to point out some facts that I believe will be of interest to the Committee.

I know the gentleman from Rhode Island is just as sincere as he can be, but the amendment he offers will put a burden on the back of the American farmer, the little farmer, more than he can possibly bear. May I remind you that all of the farm labor we get in America is difficult to obtain. It is almost impossible to get stoop labor. The amendment the gentleman proposes will give the Secretary of Labor the power of a tyrant, a dictator. Now the Secretary has already established tyrannical rules under existing law. The present program has ample protection in it for the workers who work under this program.

We in Florida admittedly do not use Mexican nationals, but the farmer in Florida has difficulty getting stoop labor at any price and the farm labor supply in all of America is important to him. Let me make this observation. In the Eighth District of Florida watermelons now are bringing about three-fourths of a cent a pound. Down in the House restaurant today I bought a slice of wonderful watermelon, and I believe it was Eighth District of Florida watermelon. I paid 50 cents a

slice for it. That would mean \$4 for a watermelon for which the farmer in my district is getting 20 cents. That farmer has to get labor to harvest his watermelons. That is true in California and every other State in this Union.

I say to you, do not press further on the back of the farmer these rules and regulations that make it impossible to get this labor. Look at the house where the farmer lives as well as you look at the house where the farm laborer lives. Many of these little farmers live in far worse houses than the laborers who work for them. Their economy is such that they just have to do it.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from Ohio.

Mr. HAYS. The other day some of us helped the gentleman get an amendment adopted, and he very rightly got an amendment in to build his entomology laboratory in Florida.

Mr. MATTHEWS. That is right, and I am very grateful.

Mr. HAYS. As a friend who is usually glad to help the gentleman, I want to suggest, Do not push your luck too far.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from West Virginia.

Mr. BAILEY. May I say to the gentleman from Florida that I have enjoyed the entertainment he has furnished the Members of the House.

Mr. MATTHEWS. I hope I have given some factual evidence, too, because this is a very important bill.

Mr. BAILEY. When I conducted some educational hearings in Florida in the field of migrant farm labor I found out there were quite a few Floridians in that field. They start coming north in the spring of the year, before the school session is over, and they do not get back until after school has convened for 2 or 3 months.

Mr. MATTHEWS. We are trying to correct this situation, and I believe we are making progress. The main point is do not put on the back of the farmers of America this additional burden which I do not believe they can assume. I do not think it is proper to ask them to assume it. The amendment of the gentleman from Rhode Island will be a burden that the farmers of America just cannot stand.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MATTHEWS] has expired.

Mr. McGOVERN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Rhode Island [Mr. FOGARTY]. I dislike to take issue with the gentleman from Florida, who has just spoken, not only because he is a very good friend of mine but because he has reminded us of his hazardous combat experience. But the gentleman has made repeated reference in his remarks to the necessity of this program for the small farmer. I would like to approach the problem from that standpoint. It was the welfare of

the family farmer that led me to introduce legislation to relieve some of the depressing conditions brought about by the continuation of this program in its present form. There are only about 2 percent of the farmers of this country who use bracero labor.

Last week we had an important agricultural measure before the Congress that was designed to do something about depressed conditions.

Mr. THOMSON of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. McGOVERN. I yield.

Mr. THOMSON of Wyoming. Do I understand the gentleman to contend that the small family farmer does not benefit from this legislation?

Mr. McGOVERN. I am saying that only 2 percent of the farmers of America, big or small, use bracero labor. The other 98 percent do not benefit from the program at all. I would like to explain that it is actually a threat to the other 98 percent of our farmers.

Mr. THOMSON of Wyoming. I know that in our State and in other areas the small farmers producing sugar beets chiefly on reclamation projects are the ones who employ this labor. It is essential to their operation.

Mr. McGOVERN. The amendment before us does not terminate the bracero program. What we are talking about is an amendment to protect the American farmer and farmworker from foreign competition that undermines our domestic standards. The bracero program has actually been used in a competitive manner to further weaken the position of those farmers who do not use imported foreign labor.

For example, we have the statement from William L. Batt, secretary of labor and industry of the State of Pennsylvania. I want to quote from the statement he made:

As secretary of labor and industry in Pennsylvania, I am equally concerned with the disadvantageous position of our State's farm employers as a result of the Mexican program. For instance, last year, Pennsylvania tomato growers paid harvest hands a minimum of 77 cents an hour while their grower-competitors close to the Mexican border in the Southwest paid harvest hands 50 cents an hour. Obviously, this situation is unfair to Pennsylvania State farmers since both Pennsylvania and Southwest U.S. farmers compete in the same markets.

It has been argued that the braceros are needed to do stoop labor that American workers are unwilling to do. But the braceros are being used in many cases for work that American workers are willing to do. They are not being used exclusively for stoop labor. They are being used to drive tractors, they are being used as vegetable packers; they are being used as truck drivers; they are being used to handle mechanical equipment, irrigation equipment. They are also being used as ranch hands in some parts of the Southwest where on a low wage scale they are in direct competition with the ranchers and the farmers of my part of the country who must depend on their own labor.

Certainly I would be the last Member

of the House to advocate limitations that would in any way further weaken the already depressed condition of the American farmer. I think it is a tragic thing that the House saw fit last week to reject the bill which would have done much to increase the income of the wheat and feed grain farmers of this country. For that reason it may be difficult for some of us to support the minimum wage legislation which is scheduled for House action tomorrow. It is difficult for those of us from agricultural areas to vote for legislation that would give high school girls working as clerks \$1.25 an hour when the average return to the farmers of America last year was only 71 cents an hour.

Mr. Chairman, the amendment offered by the gentleman from Rhode Island [Mr. FOGARTY], which contains the core of my bill, H.R. 11211, is designed to prevent the Mexican imported labor from undercutting the American farmer, the American worker and the American conscience.

(Mr. McGOVERN asked and was given permission to revise and extend his remarks.)

Mr. POAGE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I recognize the sincerity and the high purpose of the author of this amendment and of all who support it, but I cannot recognize the correctness of their information.

I do not know of any place where any Mexican bracero is working for 50 cents an hour. I know where Mexicans are working for 50 cents an hour and less, but I know of no Mexican under contract under the bracero law who is working for 50 cents an hour.

There are estimated to be 8,000 wetbacks in the United States at the present time. That is down from about 200,000 before we passed this bracero law. There may not be a wetback working in the United States who makes 50 cents an hour today, and certainly there was not one before we passed this bracero law. As I say, a few years ago there were probably 200,000 wetbacks in the United States. They are the people who are here illegally. They are the people who crossed the river or the border force under cover of darkness. They are the people who are here in violation of the law. They are the people who sleep on the canal ditches. They cannot appeal either to the Mexican consul or to the American authorities because they would be sent back.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I cannot yield at the moment but I will try to yield before I get through.

It is my belief that many Members of this House are thinking in terms of wetbacks in their consideration of this bill, and not in terms of braceros. The operation of this law has just about cured the wetback evil. We set out to do it and we have just about done it. The wetbacks have been cut down from probably 200,000, or a quarter of a million, down to an estimate of 8,000 last year. We are making excellent progress.

Mr. BAILEY. Mr. Chairman, will the gentleman yield at that point?

Mr. POAGE. I cannot yield just now, I want to make my point. The gentleman has interrupted everybody who has spoken and has not asked any time of his own. I am going to make my point, and will then try to yield.

The wetback evil was cut down by this bracero bill. We are not proud of the wetback condition, nobody was, and I know my friend from Rhode Island would not intentionally do anything to throw us back to that system. The gentleman from Rhode Island and others who seek to modify this law live a long way away from these conditions.

It is obvious they do not know anything about the Mexican worker problem. They get what is happening by reading a bunch of newspapers about wetbacks. These braceros are not wetbacks. These braceros have a contract which is enforceable in the United States. The braceros have the power of our Government and of the Mexican Government behind them. They are not homeless, lost people. These braceros are well cared for. They are people who can enforce their rights. They do not bring their wives and children into the United States. They are all adult male workers who must pass very stringent physical examinations.

These braceros are doing all right, and there is no reason for sobbing about the bracero. He is making more money in a few months here than he could make at home in a year. If you repeal this or if you make it ineffective, two things are going to happen.

In the first place, there is going to be a stream of wetbacks to fill all of the area close to the border. They may not get to Arkansas, they may not get to northern California, but they will fill all of southern California, Arizona, New Mexico, and most of Texas. Those will be wetbacks. They will indeed destroy the wage structure of all agricultural works.

Then there will be such an influx of Mexican immigration as this country has never known.

Do you realize that the present law allows Mexicans to migrate to the United States without limitation? There is no quota on the Mexicans. All Mexicans who can meet our health and education standards can come to the United States for permanent residence, and they will come. They will bring their families instead of leaving their families in Mexico where they can live on a few pesos a day. They will bring their families into the United States and they will come as American citizens and we will have to support the whole group of them. We will have them on a 12-month basis rather than on a 60-day basis. What will that do for our present American citizens who do agricultural work?

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent (at the request of Mr. POAGE) he was allowed to proceed for 3 additional minutes.)

Mr. POAGE. Mr. Chairman, is that what you want to do? I do not think

it is what you want to do. I do not think anybody wants to do it.

There is one other phase of this problem I want to mention, and I will then try to answer some questions.

I want to make one point, and the point was mentioned here a while ago. You are asking an impoverished industry to stand the cost of additional expense. Unfortunately but possibly understandable, it is largely the very Members who have never voted to increase the earnings of our farmers who are now saying that they want by law to increase the burden and expense of our farmers. I do not say that is true entirely, but very largely. The very people who refuse to give the farmer a fair return now say that that farmer must take out of his poverty and pay a wage he cannot afford to pay. Throughout our whole history an increase in farm prices has always resulted in a corresponding increase in the wages of farmworkers.

Under this amendment if one individual in the community went to Chicago, advertised and ran a special plane down to Lubbock, Tex., to carry people down there, then every individual farmer in the plains country of Texas would have to run a special plane down there before he could hire any braceros. That is what this amendment provides. It provides that no farmer can employ Mexican labor unless he carries on the same type of recruitment which any farmer in that area carried on to get domestic labor. The big farms can carry on those advertising campaigns, but there is not a small farmer in the United States who can do it, and you know it. I am sure that this amendment was not so meant, but it clearly discriminates against small farmers.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from West Virginia.

Mr. BAILEY. I do not want the gentleman to impugn the statement of the gentleman from South Dakota. The quotation from the labor commissioner of Pennsylvania was taken from testimony before my committee on the migrant labor bill.

Mr. POAGE. I have not discussed the statement of anybody in Pennsylvania.

Mr. BAILEY. What the gentleman said was correct.

Mr. POAGE. I have not discussed a statement by anybody in Pennsylvania.

Mr. BENTLEY. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Michigan.

Mr. BENTLEY. I think the gentleman should make one particular point clear when he is comparing the bracero program with the wetbacks that come in. Under this Mexican contract labor program, these Mexicans are admitted only after a most careful screening and examination for sanitation and health. If you have a lot of wetbacks coming in with no restrictions, with no examinations, nothing like that, you can well imagine that we could very easily have

some very serious epidemics with them coming in without any screening at all.

Mr. POAGE. We certainly could. The program has been working so well that it seems to me to be a tragedy to destroy the program that has done so well.

Mr. COOLEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think that my colleague the gentleman from Texas [Mr. POAGE] has spoken very wisely concerning this amendment. I think his discussion of the problems involved was actually brilliant and should be impressive on the Members of this House.

There is a surprising degree of misunderstanding about this program for using Mexican nationals to work on our farms where domestic labor is not available. Knowing that this program has been reviewed and renewed year after year, you would assume that somebody on the floor knew a little something about it. The bill we have here today is only about three lines in length. It simply extends the act now in operation. I have great respect and admiration for the gentleman from Rhode Island [Mr. FOGARTY], and the gentleman from South Dakota [Mr. MCGOVERN], who are sponsoring the amendment proposing a gradual termination of this Mexican labor program.

The gentleman from South Dakota, [Mr. MCGOVERN] is a highly respected member of the House Committee on Agriculture. He is one of the most able, active, and effective friends the farmers of America have in the Congress. Moreover, he is a conscientious and diligent worker in behalf of all working people, whether on our farms or in our factories. He has espoused and urged the action that now is proposed in the amendment by the gentleman from Rhode Island. He presented the proposition to the House Committee on Agriculture. I applaud him for urging and fighting for what he believes to be right.

However, our Committee on Agriculture, after long hearings and thorough study, concluded that the continued use of Mexican labor on our farms is essential to the production and harvesting of many of our crops which are essential to the well-being—the diet and health—of all our citizens. Our committee was convinced that, by proper administration of the program by the Department of Labor, our farmers and consumers both would be benefited, and there would be no adverse effects as to the employment, wages, and working conditions of American citizens who wish to join the farm labor force. I regret deeply that I find myself today in disagreement with my esteemed friend from South Dakota whom I admire so greatly.

Now let me get down to the proposition in the Fogarty amendment. I think what the gentleman from Rhode Island is afraid of is that some of these so-called Mexican braceros are going to take away some American jobs. Now, that is not it. The Secretary of Labor administers this program, and he must solemnly certify that there is no local worker available for a job, before it may be offered to a Mexican national.

Now, if anyone wants to impugn anybody's motives in the operation of this program, then impugn the Secretary of Labor's motives. You cannot hire a man from Mexico unless the Secretary of Labor says so. Now, how is he going to take away a job in West Virginia, Pennsylvania, or up in Rhode Island?

Mr. FOGARTY. I did not say that.

Mr. COOLEY. I know you did not say that, but I know your friendship for organized labor in America, and I know that you must have some regard for organized labor. If I thought this bill was going to displace an American worker, I would vote against it. But, I am saying to you that it will not displace an American worker if the Secretary of Labor is a man of honor and integrity.

Mr. FOGARTY. I never complained about that.

Mr. COOLEY. What is your complaint?

Mr. FOGARTY. My complaint is that the continuation of such a program is making third-class citizens out of domestic farmworkers of this country.

Mr. COOLEY. That is just a lot of bunk and you know it. We are not making third-class citizens out of the domestic farmworkers. These are Mexican nationals.

Mr. FOGARTY. I am talking about the domestic farmworker.

Mr. COOLEY. They work under conditions that are better than the conditions under which our own workers work, and you know it.

Mr. FOGARTY. That is just what I have been complaining about.

Mr. COOLEY. All right. We first guarantee that they must come up to certain health standards; we guarantee them subsistence, a certain duration of work, medical care, even burial expenses.

Mr. FOGARTY. But you will not do that for the American worker.

Mr. COOLEY. Certainly not. Then you would be going far afield.

Mr. FOGARTY. Why?

Mr. COOLEY. You would have people running all over the country because they would want to come in under a program that they would not fit into at all.

If you are talking about improving the conditions for our own American farm people, then I say to this House: Join with those of us representing rural areas to develop public policies which will enable farmers to command decent prices for what they deliver into the marketplaces, so that they will have money to pay better wages and then to earn a reasonable profit for themselves.

I emphasize to the House that, according to the Department of Agriculture, the hourly pay of farm workers in 1959—for owner-operators and labor combined—was only 71.5 cents an hour, while the average wage of workers in factories was \$2.22 an hour. Farm operators actually paid their workers more than they showed in hourly wages for themselves.

It is my hope that we soon again may have in Washington a climate more sympathetic to the problems of our farmers, and that we may then restore to them

the opportunities for sharing equitably with all other Americans in the rewards of our free enterprise system.

Now, specifically, with respect to the amendment before us, I submit to you this analysis:

One provision of this proposed amendment—subsection (C) on page 2, lines 11 to 15 of the McGovern bill H.R. 11211—is so drastic and far reaching in its effect that it, alone, is sufficient reason for defeating this amendment. No legislative provision as important and complicated as this amendment is should be adopted without the most exhaustive consideration by the appropriate committee of the House, by the executive agency involved, and by the industry which will be affected thereby.

The provision I refer to could put out of business every small fruit and vegetable grower in the United States who depends upon Mexican or other migrant labor to harvest his crops.

The provision reads:

Such workers shall be supplied * * * only if the Secretary certifies that * * * (C) reasonable efforts have been made to attract domestic workers for such employment, including independent and direct recruitment by the employer requesting foreign workers, at terms and condition of employment comparable to those offered to foreign workers.

Taken in conjunction with the report of the President's consultants—and this amendment is stated to be a legislative expression of the recommendations of those consultants—this provision means that if one employer in an area is successful in recruiting seasonal workers by "independent and direct recruitment" no other farmers in the area will be permitted to employ Mexican workers unless they, too, undertake this same kind of "independent and direct recruitment."

This means that if a big corporate farming enterprise advertises in the newspaper in Detroit or West Virginia and is able to meet its labor requirements by an extensive and expensive advertising and recruiting campaign, and perhaps by bringing the workers to California or Texas in a chartered airplane, no other farmer in the area will be eligible to have any Mexican workers referred to him unless he has undertaken the same kind of recruitment program.

Obviously, it is utterly impossible for the small farmer to undertake this kind of labor recruitment.

The proponents of this amendment have expressed their interest in the small farmer and yet this one subsection in the proposed amendment would do more to put small fruit and vegetable farmers out of business than any legislation which has ever been enacted by this Congress.

The interpretation I have placed on this is by no means fanciful. The Department of Labor has already tried to put into effect regulations involving this same principle and imposing on farmers requirements for recruitment comparable to those I have just described. The Labor Department has not been able to put these regulations into effect because there is no legal justification in the

present law for them. It seems quite clear that if this Congress were to give the Department of Labor the legislation which is now here proposed, it would be construed and interpreted in regulations in exactly the manner I have described.

I will say to my friend from West Virginia [Mr. BAILEY] if you have any coal miners in West Virginia you want to put to work in the agricultural fields of America, the jobs are there waiting for them. But they will not take them.

Mr. BAILEY. If we attempted to give those favors to our own farm laborers that you are giving to these Mexicans, then you would call it socialism.

Mr. COOLEY. But you could not get two of your people to go out to California or Arizona and take these jobs.

Mr. HOFFMAN of Michigan. Or to Michigan.

Mr. COOLEY. Or to Michigan, or to Minnesota, or to any of 32 other States of the Union.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. COOLEY] has expired.

(Mr. COOLEY asked and was given permission to proceed for 3 additional minutes.)

Mr. COOLEY. Mr. Chairman, this bill is serious. It is needed in 30-odd States of the Union. There is not a single Mexican who comes to my State or to my district. I have no personal interest in this. I have only a general interest. But a man told me here today that in Georgia, for instance, in three counties in his district, if they did not have this Mexican labor come in, they could not pick the cotton. And they do not pay any 50 cents an hour. They are paid by the hundred pounds they pick—\$3 a hundred. And some of them pick as much as 400 and 500 pounds a day, they tell me. They are not underpaid. If they were underpaid, that, again, would be the fault of the Secretary of Labor.

Mr. HOFFMAN of Michigan. And when they pick cherries, they pay them by the pound or by the carton.

Mr. COOLEY. If these people from Mexico were underpaid, they would not come here. I do not think the Secretary of Labor would approve a contract to bring in slave labor to work in the agricultural fields of our country.

Mr. FOGARTY. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman.

Mr. FOGARTY. I have never made that complaint. I said, and I say it again, that when you vote for the extension of this law, you are voting to keep down the American citizen who is trying to make a living on the farm as a farmworker. You are voting to keep him down so he cannot get up. You want to kick him while he is down; that is what you want to do.

Mr. COOLEY. You are accusing the Secretary of Labor—

Mr. FOGARTY. No; I am not.

Mr. COOLEY. If he performs his duty as we intend him to perform it, you cannot have any second-class or third-class citizens; you cannot have any starvation wages.

Mr. FOGARTY. We do not have a minimum wage for the farmworkers of this country.

Mr. ANDERSEN of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield.

Mr. ANDERSEN of Minnesota. Just last week the gentleman from Rhode Island voted to hold down the farmers.

Mr. COOLEY. He has voted against the farmers every time he has had a chance to vote.

Mr. FOGARTY. I voted for the farmers until I saw the light. When I realized what your committee was doing, loading down our people with all these programs that have cost the people billions of dollars in taxes, that is when I changed.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. BECKER. Mr. Chairman, I object.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. UTT].

Mr. UTT. Mr. Chairman, I asked for this time in order to answer two rather important questions posed to the gentleman from Rhode Island by the gentleman from New Jersey. Question No. 1: Can you cite any instance where the Mexican national has been helped? And secondly, Can you cite any instance where domestic labor has been helped by the program?

The gentleman from Rhode Island could not answer those questions, because he does not have the facts.

Mr. FOGARTY. Mr. Chairman, will the gentleman yield?

Mr. UTT. I yield.

Mr. FOGARTY. I did take some time to go out and have a look at some of the shacks that they have in California which house some of these domestic workers. I went down through southern California and watched Mexican nationals being treated like cattle while they were being selected for employment. I remember years ago going to cattle auctions when the auctioneer had a cane and he would jab the cow and move her around to see how lively she was. The selection of these Mexican nationals reminded me of the auctioneer. I saw that with my own eyes.

Mr. UTT. I want to answer the two questions the gentleman from Rhode Island did not answer. No. 1, What good does it do the Mexican national? I spend a good deal of my time in Mexico. I have watched braceros come back with enough money to buy themselves a few acres and go into business for themselves. It has been the best break they have ever had. It is the first time in the history of Mexico they have not had to import corn or import beans, two of their basic products, because these braceros have come back with American ideas of farming and they

have at last produced enough food and fiber in Mexico to eliminate the shortage there was in Mexico prior to that time. It is a program that as far as Mexico is concerned has worked out very, very well.

The second question is, Where has it helped American domestic labor? This is important. I can cite many instances. There is one instance in my district where an employer employs 20 domestic laborers the year round. He employs 40 braceros under the Mexican program in order to do his planting and harvesting. If that supplemental labor is taken away, he will have to let the 20 domestic laborers go whom he hires the year round, and reconvert his farm from beans and other special crops to dry lima beans; he will have one man, one tractor, one harvester, one thrasher, and that will be the extent of his operation, because he cannot support the domestic labor he hires without the supplemental labor from Mexico.

Mr. FOGARTY. I agree on the good it has done in Mexico, but one of the complaints we were given in southern California by the growers was that there was too much of that, and pretty soon they will be coming in here and asking you people to support some kind of tariff bill to support the importation of some of these crops that are being grown right across the border.

Mr. UTT. That might very well be, but the economy of Mexico is helped by the program.

I think you found probably what you were looking for in certain places, but if you had been at one of the places in my district you could have gone in with your family and had one of the best meals you ever ate in a good house. I know where you traveled, and I do not doubt that you found what you were looking for, but in my district we have the best housing, the best food, and the best program for the braceros that I ever saw in the United States.

Mr. COOLEY. Mr. Chairman, I should like to see if we cannot agree on a limitation of time on this amendment.

Mr. HOFFMAN of Michigan. Reserving the right to object, do we quit Friday?

Mr. COOLEY. I will vote for it, but the gentleman will have to ask the leadership about that.

Mr. HOFFMAN of Michigan. I was considering you as a leader.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 1 hour.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. GUBSER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GUBSER. This is only on the pending amendment? The bill would be open to amendment at any point?

The CHAIRMAN. The gentleman is correct.

The Chair recognizes the gentleman from California [Mr. HAGEN].

(Mr. HAGEN asked and was given permission to revise and extend his remarks.)

Mr. HAGEN. Mr. Chairman, I would like to clarify two points. Apparently some people are under the impression that all of this language in the amendment is new to the bracero law. Actually, most of it is simply a restatement, without changing substance in what is in the law now. For example, under the current law the Secretary of Labor has to determine the need for this labor. He has to determine that this employment will not adversely affect the wages and working conditions of domestic workers. There are a few additions which are poorly drafted and for that reason should be rejected. They increase the responsibility of the Secretary, and have not been adequately considered, either by the employers or by those who speak for the employees. In that connection I would like to refer to the position of the Secretary of Labor, Mr. Mitchell. He sent a representative before our committee and he testified with respect to these amendments before you which are adopted from the report of the consultant's committee appointed by him to survey the whole program, and he said, "Responsible and informed quarters have raised questions about these amendments. Because of the time which will be necessary to carefully explore these questions, it will not be possible to submit a proposal for action in this session of Congress."

In other words, Mr. FOGARTY, unless Mr. Mitchell's position has changed, he is neither for nor against these amendments at this time, but he asks us instead to reserve judgment on them until such time as they can be carefully explored and analyzed by the agency which would have to administer them and the Congress which will either approve, reject, or change them on the basis of a more informed opinion.

The CHAIRMAN. The time of the gentleman from California has expired.

The Chair recognizes the gentleman from California [Mr. GUBSER].

Mr. GUBSER. Mr. Chairman, I ask unanimous consent that the time allotted to me be allotted to the gentleman from California [Mr. Moss].

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Chairman, I regret to find myself in opposition to one of the finest and ablest Members of the House, the gentleman from Rhode Island [Mr. FOGARTY].

I represent a farm district. Like him, I was born on a farm, and I live very close to the problems of agriculture. I know about farming and I know about braceros, because many of them are in my district.

I have observed in recent years a general improvement in the status of farm labor. For years the conditions under which some segments of farm labor

has worked and lived have been substandard. The bracero law has resulted in an overall improvement of the living standards of farm labor. The bracero program has tended to help, not hurt domestic labor, particularly migrant labor, because it has tended to raise the prevailing wage, and improve living conditions. These braceros have done remarkably well and usually get quite good pay.

The domestic laborer is demanding and getting a higher standard of living, and he is now enjoying a higher standard of living in my congressional district than he otherwise would for years to come as a result of the bracero program. They have to provide good living conditions. I hope you will continue this program in its present form under this bill.

I want to point out that I share the views expressed here today by the gentleman from Arkansas [Mr. GATHINGS]. He has made an excellent presentation. Actually the Secretary has no authority to control wages and housing for domestic workers. He has far overstepped his legal authority.

I would like to see the Gathings bill substituted for the pending measure but in view of the general atmosphere in the House of Representatives today, I realize that this is probably impossible. Moreover, the Gathings bill represents a restatement of existing law insofar as the authority of the Secretary of Labor is concerned.

Under the circumstances I trust the House will defeat the motion of the gentleman from Rhode Island and pass the 2-year extension bill.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. DENTON].

Mr. DENTON. Mr. Chairman, I rise in support of the amendments to the extension of Public Law 78 offered by the gentleman from Rhode Island. He is the chairman of the subcommittee of which I am a member, and which deals with the appropriation for this program.

Nine years ago, during the Korean war, when there was a shortage of labor and a need for additional manpower to produce food, Congress enacted this law to bring Mexican workers—braceros—to work on U.S. farms. During the first year of the program, 192,000 Mexicans were brought into this country. Although there are 4 million people unemployed today, the program is still in force, and instead of 192,000 Mexicans, approximately 450,000 were brought into the United States last year.

There has been considerable discussion in our subcommittee about the Mexican farm labor program. In order to find out more about it, this year we traveled through the parts of the country where the Mexicans or braceros are employed. They work on huge, corporate-sized farms containing acres and acres of crops—not like the family farms we have in Indiana. We visited the reception centers, examined the places where the braceros lived, and talked with labor officials, the farmers who employed the workers, and with the braceros themselves. As a result of our study

mission, the following conclusions are inescapable.

First, this program has a depressive effect on American labor. In areas where Mexicans are employed, there is considerable unemployment among domestic workers and their wages are lower in areas where there is widespread employment of Mexicans.

Second, this program is unfair to the majority of farmers in our country. Only about 2 percent of American farms use Mexican labor, but it costs the Department of Labor about \$2.5 million a year to enforce this program. Thus, the farmers using Mexican labor receive the benefits of cheap labor and that gives them an unfair advantage in their competition with family farms, which employ domestic workers.

In this connection, many Members of Congress and others appeared before our subcommittee to protest the fact that the Secretary of Labor had issued an order which empowered himself to protect domestic labor employed through the U.S. Employment Service under authority of the Wagner-Peyser Act. It also might be well to point out that under the treaty with Mexico and according to Public Law 78, Mexicans are not supposed to be employed except in cases where there is no domestic labor available.

In order to show that domestic labor is not available, it would seem to follow that it was not available under the same conditions as Mexican workers and that would make it inevitable that the Secretary of Labor should issue regulations giving authority to the Department to protect domestic labor in the same way as Mexican labor.

We were told that Mexicans are being used only as stoop labor in certain seasons of the year and that it is impossible to find domestic labor to do that work. However, by talking with the parties involved, we found that there are no studies or surveys that show how much of that work could be done by domestic labor or machines, or how much domestic labor is available for that purpose. A great deal of that work could be done by machines. In many cases Mexican labor is used for work that is classified as other than stoop labor.

Almost every religious organization in the country, as well as the AFL-CIO, the United Mine Workers, the Railway Brotherhoods, and numerous other organizations are opposed to this program.

Because of the many complaints about this program, the Secretary of Labor appointed a distinguished group of private consultants to study the program. They told him that the Mexican program was affecting U.S. farmworkers adversely, and that it should be extended only if it were to be modified substantially. They have recommended that a number of changes be made if the program is to be extended.

I see no need for continuing this program. It has a year to run and if it is to be extended, it is better that Congress consider this matter calmly next session when it is not pushed by the rush for adjournment.

However, if it is necessary to continue the program, I certainly feel that Con-

gress should adopt the amendments of the gentleman from Rhode Island. These amendments are the same ones which the consultants recommend as necessary to protect domestic labor and to insure that Mexican labor is used only in cases where American labor is not available. If these amendments are adopted, I intend to support the program. Otherwise, I shall vote against it.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. COHELAN].

(Mr. COHELAN asked and was given permission to revise and extend his remarks.)

Mr. COHELAN. Mr. Chairman, I rise in support of the McGovern amendment and I should like at this juncture to take this opportunity to urge members of the Committee to read the letter by Prof. Varden Fuller, of the University of California, which is inserted in the hearing record page 293. I shall quote a paragraph or two if time allows.

All of this legislation has direct bearing on the problem of migrant farm labor and the incredible and disgusting conditions which exist today in the United States. I am talking about the hundreds of thousands of children of migrant farm labor families—no one knows if they number 400,000 or a half million or more—who work in the fields as young as 7 and 8 years, who live in coops and trucks and know no homes, who live in filth and disease, who attend school only occasionally, if at all.

I am talking about hundreds of thousands more adult American citizens who in 1957 worked an average of only 125 days per year, with only a few additional days of work off the farm, and whose average real wage per day was \$4.91, and whose average total annual income was \$738 for farmwork.

These figures are all cited in the hearing, and I would urge all of you to read them. Let me quote from Professor Fuller's testimony.

2. According to the statistics of the U.S. Department of Agriculture, the hired farmwork force has not declined in proportion to declining farm labor needs and average farm employment per worker has fallen. Hence, as the importation volume has built up, wastefulness in utilization has grown ever worse.

3. Our failure to utilize domestic labor effectively means a loss to the individuals concerned and to the national economy which can be conservatively estimated at not less than a billion dollars per year. This is a substantial sum and is especially significant to people whose opportunities are so limited that they spend more time looking and waiting for work than working and are seldom able to earn as much as \$1,000 per year.

I urge support of the amendment.

By a series of statutory exclusions, farmworkers are made the most defenseless major occupational category in America. The farmworker's inherent American right of self-dependence and self-determination is further infringed upon when the power and authority of the National Government are invoked to aggravate his defenseless position by flooding his labor market and discriminatorily subjecting him to competition that the more powerful and better situated occupational categories of the American labor force do not have to confront.

As long as alien contract importation offers a temporary solution of farm-labor-supply problems, it is unrealistic to expect that any progress will be made upon basic and fundamental solutions. Consequently, it is important that an affirmative and fair agricultural manpower policy be adopted. Committing the present Public Law 78 program to a gradual but definite termination is the first and indispensable step toward this objective.

Mr. Chairman, the figures I quoted earlier were developed from U.S. Department of Labor statistics. Unfortunately, there are statistics and more statistics available on the subject of migrant farm labor, and virtually all of them are incomplete, confused, and divergent. This fact itself is actually symptomatic of the problem, for the lives and conditions and numbers of the displaced persons who are American migrant farm laborers are obscure, ignored, and overlooked, almost as if they were outside society altogether.

The long-range effect of Public Law 78 has been to create a surplus of cheap labor by the importation of foreign farm labor from Mexico. Domestic farm laborers have been driven into migrancy, leaving their homes hunting jobs which pay a living wage, or just for jobs alone, regardless of the pay involved. Enacted as a temporary measure to assure against uncertainties of farm-labor supply during the Korean emergency, it is still being used to bring more and more Mexican labor into the country.

The McGovern bill would phase out this program completely, giving employers 5 years to adapt. The Sisk measure would continue the program as is.

Furthermore, the McGovern bill would authorize the Secretary of Labor to establish standards to assure that no Mexican braceros will be used to cut wages, conditions, or employment opportunities of domestic farmworkers during the 5-year phase-out period. This means that with strong administrative action we can expect immediate and direct action if the McGovern bill is passed.

In contrast, the Sisk bill does nothing to implement the authority of the Secretary of Labor.

I do not know of a more black-and-white issue than the one involved here. I urge passage of a measure to phase out the importation of Mexican farm labor and, in the meantime, strengthen administrative authority to protect American farmworkers.

Mr. GROSS. Mr. Chairman, I ask unanimous consent that the time allotted me be given to the gentleman from Iowa [Mr. HOEVEN].

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Chairman, I ask unanimous consent that the time allotted me be given to the gentleman from Iowa [Mr. HOEVEN].

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas [Mr. BREEDING].

Mr. BREEDING. Mr. Chairman, not over an hour ago I had lunch with two beetgrowers from my district who represent the Southwest Irrigation Association in opposition to this amendment and in opposition to what the gentleman from South Dakota [Mr. McGOVERN] stated.

These gentlemen told me that the Mexican nationals who come into their area draw approximately a little over \$1 per hour for the work they do, because most of it is done on a contract basis. It gives them a little over \$1 an hour. They are not allowed by rule and regulation of the Department of Labor to let these men operate tractors or trucks. They do entirely stoop labor. They are also regulated so far as housing accommodations are concerned, which are set up by the Department of Labor.

I asked these gentlemen what would happen if they did not have this labor. "Well," they said, "we would quit shipping Honeydew or Rocky Ford melons to the East, we would quit shipping trainloads of onions, we would quit shipping sugar beets to the factories, and certainly a lot of Irish potatoes."

Mr. Chairman, I am in opposition to the amendment, and I am for the bill.

Mr. FOGARTY. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from New York [Mr. SANTANGELO].

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. SANTANGELO].

Mr. SANTANGELO. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Santangelo at the end of the amendment offered by Mr. Fogarty add the following new section:

"SEC. 5. That section 501 of the Agricultural Act of 1949, as amended, is amended by deleting the first paragraph and substituting therefor the following section:

"SEC. 501. That the Secretary of Labor shall not authorize the entry of Mexican nationals for farm labor except for the cultivation and harvest of food supplies."

Mr. SANTANGELO. Mr. Chairman, I am supporting the Fogarty amendment because I think it is a protection for the domestic worker. The joker in this bill which no one has noticed and which nobody has seemed to talk about is that the Mexican nationals, or 60 percent of the braceros, work on cotton farms.

Since this program was started in 1949, the number of braceros has risen from about 107,000 to 437,000. 60 percent of these Mexican nationals are working on cotton farms and not on food farms which are producing our provisions, not on those farms which are producing perishables.

Mr. Chairman, it is a well known fact that we have an abundance of cotton stored in our warehouses. We have over 769 million pounds of cotton stored in the warehouses of the United States. Over 5 million bales are owned by CCC. We are giving this commodity a price subsidy, we are also trying to hold the

farmers' production down by reducing the number of acres which they plant and we urge them to reduce the production of cotton which they are producing.

Now, what are we doing by this program? We are taking cheap Mexican labor coming into 5 States and we are letting them work on cotton farms where the farmer can produce more, so that we can subsidize them by giving them price supports and paying storage charges for cotton which the merchants now have in warehouses.

Let us look at the 5 States that are using these braceros: Arizona, Arkansas, California, Texas, and New Mexico. The testimony in the record indicates that 100,000 American citizens fled in the face of these braceros coming in under this program. One hundred thousand American workers have been displaced by this program. They talk about the food supply, but they do not talk about the cotton situation.

I was looking at the U.S. News & World Report and I noticed that California, which has been most vociferous in opposing the Fogarty amendment, in the last 10 years increased its population by over 4 million; it has now over 15 million people, and yet they say there is a shortage of manpower to work on the farms. Arizona increased its population 71 percent; Texas increased its by 23 percent, now over 9½ million people. These are the States that are getting the benefit of these braceros. I understand that in connection with perishables it might be necessary to have foreign workers on the farms in many places to prevent their loss but it is different with respect to cotton, because cotton is not perishable. I think the amendment is unjustified. I support the Fogarty amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. JONES].

Mr. JONES of Missouri. Mr. Chairman, with all due respect for the gentleman from New York, I would just like to say that it is rather typical, I think, of many people who have been opposing this program. It has been my observation that most of the people who oppose this program know absolutely nothing about how it works. They have been swayed by the do-gooders who are trying to go about the country abusing a program.

Now, with reference to cotton I want to say this: I come from a section where cotton is the principal crop. This year, if we have a normal season, we will have no need at all to import any labor, despite the fact that within the last 10 years we have lost 8,000 population in my county, 8,000 in the adjoining county, and 7,000 in the county above. Those three counties produce over half of the cotton produced in my district. In a normal year we would not need any importation of labor, but if we should have a wet fall, it would be necessary to import labor, because the labor is not there. I think you would be doing a serious injustice to the farmers—and they are small farmers—who have made a crop, who have put their time, their effort,

their money into the planting and the fertilization and the cultivation of it and have their crop made and then, because we are unable to get the labor to harvest that crop, be deprived of bringing in people to it. I do not think the gentleman intentionally meant to do that, but you would be doing a great injustice to a large number of people who are entirely dependent upon imported labor, and I do not think the gentleman would want to have that injustice done. Therefore, I think the amendment to the amendment should be defeated.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon [Mrs. GREEN].

Mrs. GREEN of Oregon. Mr. Chairman, my opposition to the extension of this public law I think can be summed up in a paragraph in a letter from the National Consumers League:

This is a shocking and incredible piece of legislation in our opinion. It would continue the importation of Mexican farm workers—some half million now are imported each year—despite the evidence compiled by distinguished citizens that this program causes severe poverty, unemployment, and underemployment among domestic farm workers.

Mr. Chairman, I rise in support of the McGovern-Fogarty amendment. I think it would be an improvement to the bill.

If I may comment briefly on a visit I made to a Mexican labor camp last fall; first of all, there was, in my opinion, a violation of the law. The law, as I understand it, says that no Mexican national may be brought in if domestic labor is available. Yet, two days previously they sent back the Texas domestic workers and retained 40 Mexican nationals at this camp. I thought there was great exploitation of the workers. They were charged \$1.75 a day for their food. At noon they received a bologna and cheese sandwich, which is not in the Mexican diet, and the concessionaire then sold them tortillas (this not included in the daily charge of \$1.75).

The living conditions were not good; there was filth all round.

Because pay was on a piecemeal basis, the Mexican nationals claimed they were given poor places to pick the fruit and they could not earn as much as the domestic workers who were given better trees.

It is my contention that inherent in this program is gross exploitation.

In conclusion, may I say, that if decent wages were paid, there would be plenty of domestic workers and there would be no need to import the Mexican nationals.

I oppose the extension of this law for 2 more years or even 1 more year—if these amendments cannot be adopted.

Our State labor commissioner and his assistant, Tom Current, have made a detailed study of the migrant workers—both domestic and Mexican nationals. In a hearing conducted by Secretary of Labor Mitchell, Commissioner Norm Nilssen had this to say:

We in Oregon have made a close study of the conditions of migratory farmworkers and can cite them, chapter and verse. However, every State in which any study has been made has found conditions similar, or worse, to those found in the State of Ore-

gon. A number of State agencies, at the request of a State legislative interim study committee, conducted the extensive survey in 1958 which led to the accumulation of a mountain of information on conditions in Oregon. The bureau of labor interviewed over 1,200 migrants in a scientific sampling of this State's sizable migrant population. In doing so, staff members of my department worked long hours, 7 days a week, during many weeks—they lived with the migrants, worked in the fields with them and sought them out wherever they were—in the camps, in the fields, even in the railroad jungles and the taverns if that was where they were. Other agencies took assignments related to their jurisdiction.

In Oregon the public employment service is not under the bureau of labor. This separate department, therefore, had a different assignment from ours. The State employment service interviewed over 4,000 growers with respect to their problems and their viewpoint. The welfare department talked to all of the migrant applicants for aid during a 2-month period throughout the State. The board of health interviewed 2,000 migrants relative to their health and checked the sanitation of a large number of camps and fields. The industrial accident commission checked over 500 trucks and buses for safety.

The following comments relate in very brief form the findings of these agencies pertinent to the three major areas treated by the regulations proposed by the Secretary of Labor at this hearing.

HOUSING—TITLE 20, CHAPTER V, SECTION 602.9 (D)

The Oregon State Board of Health reported that over one-quarter of all migrant housing facilities in their survey sample were in a condition, or of a type, which were so unsatisfactory as to be menaces to the public health of the State of Oregon. The board of health, moreover, showed that many, many more than one-quarter of the facilities were unsatisfactory in one respect or another, conditions which also would be considered as unhealthful.

The bureau of labor found in one county, for example, 14 percent of the migrant population had no shelter other than bedding rolls, tarp and stick arrangements, or personal automobiles. This 14 percent included many family groups and the total migrant population at the time in this county exceeded 3,000. This same county housed nearly one-quarter of their migrant population in tents, some of which were large platform tents, but many of which were ordinary camping equipment.

The bureau of labor found throughout the State that a one-room cabin was the typical situation for a family, or for three or four single migrants. Of those family heads and singles in buildings of one kind or another in our survey sample, 75 percent were in one-room cabins. Sixty-five percent of the families were in one-room cabins. We found these families, approximately 650 rooms, or an average of 4.7 people per room.

We took no average measurement information on the size of the cabins, but anyone familiar with migrant housing knows that the cabins are extremely small. In this one room, the parents eat and sleep, feed and bed their children, entertain their friends, store their belongings, and breed and bear more children.

Although the Oregon Board of Health survey, even more than the bureau of labor survey, contains conclusive information, the Oregon State Employment Service survey adds insight into the economic context upon which we must focus some attention.

One thousand and seventeen farm operators with migrant housing answered an employment service question which showed that only 15.5 percent of their family units,

and 14.6 percent of their barrack units, have been constructed since 1952. There is considerable doubt that the percentage is as high with respect to the proportion of workers accommodated. The only figure available on proportion of workers accommodated was on the barrack type. Of the barrack units built since 1952 (14.6 percent of the total barracks), only 6.3 percent of the total worker capacity was accommodated. (Table XVII and XVIII, 1958 Farm Operator Survey, OSES.)

These statistics are dramatized by the most frequent estimate of these farm operators that the life expectancy of their migrant housing was between 10 and 14 years (table XX). With 85 percent of the present housing units already over 7 years old, it is obvious that new construction was not keeping pace with the need.

Furthermore, of the 4,273 farm operators reporting (1,017 of whom had some housing), only 53 were planning any expansion (table XXI).

Since this is the housing situation, it would appear unjustifiable for a Federal agency to sanction importation of workers into a State without some prior investigation of the adequacy of the housing. If such a substantial proportion of the housing is of a quality below decent standards, it is more than likely that a substantial proportion of the imported workers would be inadequately housed.

Many of the growers in Oregon have housing of which they can be proud, and of which the State can be proud. Most Oregon farmers have accommodations which would meet any standards likely to be set. It is, however, the minority of the growers about whom we must concern ourselves, and it is that unfortunately sizable minority who should not receive the benefit of farm placement service activity until some improvement is shown in their housing.

PREVAILING WAGES—TITLE 20, CHAPTER V, SECTION 602.9 (C)

In our survey of the migrant in Oregon in the early part of the 1958 season, the Bureau of Labor found the average weekly earnings of the male migrant to be \$32.36 per week. This figure was corroborated by the Oregon State Employment Service study of payroll and man-day figures supplied by the growers themselves. The grower figures reflected average pay per man-day as being \$5.37 in the year 1957 for all seasonal farm workers. The low level of earnings of the individual cannot be ignored, even though the earnings of a total family, often cited, might reasonably support them if they were able to earn consistently. In our survey, we found the average family earnings to be \$80.36 during the season.

The regulations of the Secretary of Labor take on particular importance for the State of Oregon if we are to maintain the standards we now have, inadequate as they are. Farm earnings in Oregon are among the best in the country. In view of the extremely low level of actual earnings, however, we certainly should not permit Government funds to be used in such a way as might undermine wage standards already lower than necessary to maintain a minimum decent standard of living.

AVAILABILITY OF LOCAL WORKERS—TITLE 20, CHAPTER V, SECTION 602.9 (a) AND (b)

The problem of assuring local workers of employment opportunities before clearing an order for out-of-State workers requires consideration of several basic problems and concepts. The most prominent basic concept involves the theoretical benefit to the workers of improved wages and conditions in their local area as a shortage of workers improves their competitive situation. The automatic brake on any runaway effect of such a local shortage is normally that as

wages and conditions improve, outside labor is attracted to that area.

These homely statements apply more to industry than to agriculture, however, because heretofore some agricultural industry recruiting practices have prevented agricultural wages and conditions from keeping pace, even relatively, with industry. The agricultural industry has demanded that Government supply more workers to meet labor shortages, instead of improving wages and conditions to attract more workers.

While I am not desirous of hurting the agricultural industry, nor of shutting off services to the industry, nor of promoting sudden changes in the patterns of which I complain, I am certainly in accord with allowing basic economic forces to help the situation. Supplying outside labor when not absolutely essential to prevent grievous loss to the agricultural industry acts as a restraint on basic economic forces to the detriment of the wages and conditions.

By being overanxious to supply foreign labor to the Nation's large farms, we have allowed a vampire bat to feast at the expense of our migrant and seasonal farmworkers. The net result in the Western States is that we have two tidal waves of workers flooding over the area. The Mexican nationals have been moved into the Southwestern States and then into California in such numbers that local farmworkers have not been in much demand, and in such numbers that it could not help but have a deleterious effect on wages and conditions which would have improved more under normal economic circumstances. As the foreign tidal wave grew, the domestic labor which normally lived in those areas or normally served those areas was forced to run to the North in search of a better competitive situation. As these domestic migrants moved north more and more pressures were placed on the competitive situation of local farm labor in Oregon and other States deleterious effect of this second tidal wave of displaced domestic workers has further worked to limit improvement in farmwork conditions.

This statement does not propose to turn back the clock. The Nation must work itself out of this situation carefully, responsibly, and gradually in order not to do an injustice to either our workers or our economy. Nonetheless, the Secretary of Labor must be supported in the promulgation of such regulations as are here proposed which will act to curb unnecessary recruiting of outside labor.

Even while avoiding irreparable harm to the agricultural industry, there must still be sufficient pressure maintained on the industry to cause it to more energetically seek answers to the problems of its employees. In any event, Government funds should not be spent in such a manner as to relieve the industry of the responsibility and the need for seeking such answers.

CONCLUSION

To all thinking persons of good conscience, it must be apparent that there is an illness in American economic and social life resulting from the conditions under which our migrant farmworkers live and work. The agricultural industry, perhaps through no fault of its own, has not been able to solve even the uppermost of these problems. Since migrants, either individually or collectively, are not in a position to defend their own interests, and since we cannot realistically expect the industry to make any more substantial progress than it has in the past, it is incumbent upon government to provide the necessary minimum protections for these citizens and fellow human beings in our country.

The case is so strong for the regulations as proposed by the Secretary of Labor that it is clear that they do not go far enough.

How can anyone argue for the expenditure of public funds to bring workers to an employer who is not able, or will not, provide a minimum standard of decency, either through sufficient wages to maintain such a standard or through a combination of wages and housing facilities which would assure such a standard? There can be no reason why the various State employment services, supported as they are by the Federal dollar, should be permitted to dispatch to any farm employer, any labor, interstate or intrastate, if the housing of that employer does not meet minimum standards of sanitation, or if the working conditions and wages provided by that farmer undercut the general level in the area.

Actually, the proposed regulations will not make a substantial contribution to the progress of the domestic migrant worker, but they are important in any event. Substantial progress remains to be made and should be made through legislative and community approaches to the problem, preferably supported or even led by the agricultural industry. At the administrative level, however, certainly these regulations as proposed are the very least that we in this country should expect of a public official with the power and responsibility conferred by statute upon the U.S. Secretary of Labor.

This is all the more true because the standards under the proposed regulations will remain in most States fixed at a level considerably below the level guaranteed by contract to the foreign nationals we import to the competitive disadvantage of our own workers.

I trust that we are belatedly recognizing our responsibility as a nation to provide minimum levels of protection for our farmworker fellow citizens.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. SISK].

Mr. SISK. Mr. Chairman, I rise in opposition to the amendment. I believe it is nothing in the world but a legislative monstrosity and I think it would be impossible to administer. I wanted to ask my good friend from Rhode Island some questions about it, because I am a little curious to learn whether or not he could actually explain any way in which it could even be administered. I realize, of course, the shortness of time precludes that.

I again reiterate that never in my life have I heard more misinformation passed out. I appreciate the sincerity of my colleagues who have made statements on this, but unfortunately we seem to have a bunch of do-gooder organizations who, believe you me, are spreading more gobbledygook around than I thought existed in this country.

The gentlewoman from Oregon [Mrs. GREEN], for whom I have a very high regard, just mentioned a situation which I know and I am positive she must know, must have been a violation of the law, if such conditions existed. I believe they did, because I respect the statement of the gentlewoman from Oregon. But I know that all in the world she would have had to do was call it to the attention of the proper authorities and it would have been corrected, because what she said existed was completely in violation of several sections of Public Law 78.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentlewoman.

Mrs. GREEN of Oregon. Immediately after this visit I directed a letter to Secretary Mitchell which, at the proper time, I shall ask permission to put in the RECORD.

The CHAIRMAN. The time of the gentleman from California [Mr. SISK] has expired.

The Chair recognizes the gentleman from Nebraska [Mr. McGINLEY].

(Mr. McGINLEY asked and was given permission to yield his time to Mr. SISK and to extend his remarks in the RECORD following those of Mr. SISK.)

Mr. SISK. Mr. Chairman, I was saying that I feel most of the misunderstanding by a great many of my good friends who are not from the area where these workers are used is due to the fact that they are thinking about the old wetback situation when literally hundreds of thousands of workers were brought in here illegally, with no controls whatever, with no prevailing wage rates observed, or anything else. We tried to bring order out of chaos with Public Law 78 and I think we have, because these people may not work as long as there is a domestic worker available. That is the first point.

Now secondly, they may not work unless they get prevailing wages. They may not be used as strikebreakers. They may not be used to reduce the rate of pay. They may not be used to displace domestic workers. Any contractor employing Mexican nationals must send those home and employ domestic workers if domestic workers are available.

The CHAIRMAN. The time of the gentleman from California has expired.

[Mr. McGINLEY addressed the Committee. His remarks will appear hereafter in the Appendix.]

The CHAIRMAN. The Chair recognizes the gentleman from Wyoming [Mr. THOMSON].

(Mr. THOMSON of Wyoming asked and was given permission to revise and extend his remarks.)

Mr. THOMSON of Wyoming. Mr. Chairman, I rise in opposition to the so-called Fogarty-McGovern amendment and in support of the 2-year extension of the present act as proposed in H.R. 12759.

According to the Department of Labor statistics, 1,140 Mexican nationals were employed in the State of Wyoming in 1959 under Public Law 78. In Wyoming and in most of the adjoining States, these people are used exclusively in the production of sugar beets. Their employment in this activity is essential because of the fact that domestic farmworkers simply will not do the stoop labor which they are employed to perform. The domestic farmworker has not been injured, either as to the availability of work or his rate of pay.

Much confusion has been evidenced as to what the present law that is being extended provides. Mexican workers can be used only in areas where the Secretary of Labor certifies that domestic workers, able, willing, and qualified, are not available and that the employment of Mexican workers "will not adversely affect the wages and working conditions

of domestic agricultural workers similarly employed."

The effect of the proposed amendment would be to replace the general findings of unavailability of domestic workers by the Secretary of Labor with the requirement that the individual employer must show that he personally was unable to obtain domestic workers after making "positive and direct recruitment efforts." This is a burden which the small sugar beet farmer could not assume, and should not be expected to assume. It would really operate to the detriment of the small farmer. I urge that the amendment be defeated.

The season of high employment of the sugar beet producers comes at the same time as in other ranch and farm work. At this time, there is always a shortage of domestic farm labor for haying and other farming operations.

Mr. Chairman, it is essential for our sugar beet farmers that this act be extended. Otherwise, they would be completely unable to obtain the help necessary to their operation.

It has been suggested by the gentleman from Rhode Island, Mr. FOGARTY, and others that the small farmer does not benefit from the Mexican farm labor program. The gentleman is simply not correctly informed, as this pertains in our area.

These sugar beet farmers employing Mexican nationals in Wyoming are almost exclusively on reclamation projects. All of these are small, family-size farms. By reclamation law, they are limited to family-size farms, usually of 160 acres or less.

This is a key crop to these people's making a success of their farming operations. It is further a key crop as far as contributing to the well-being of other phases of our agricultural economy. As an example, it provides an important source of feed for our livestock industry.

I again refer to the effect upon domestic labor. Bringing in these Mexican nationals to perform the stoop labor essential to our sugar beet industry, without which the industry could not survive, actually is of great benefit to our domestic labor. Domestic workers are given the opportunity to perform other operations in the planting, cultivation, and harvesting of sugar beets. Payrolls in our sugar beet factories alone amount to well over \$2 million each year. This is particularly of assistance to the domestic farmworker, as it comes at a time when other seasonal employment is dropping off. It further helps the small farmer who takes employment during this slack period on the farm. In truck driving, rail transportation, the coal industry, and many others, jobs are created by reason of the basic production of sugar beets.

Since the enactment of this law, the number of Mexican wetbacks has dropped from over 1,075,000 in 1954 to only 30,196 in 1959. Failure to extend the act would simply mean a return to the wetback situation. We certainly do not want that.

The extension of this act is essential. It is in the best interest of the farmer, the

domestic worker, the public in general. I urge that the Fogarty-McGovern amendment be defeated and that the bill be passed as reported.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. O'HARA].

Mr. O'HARA of Michigan. Mr. Chairman, the distinguished gentleman from North Carolina, the chairman of the Committee on Agriculture, succinctly stated the reason for the amendments offered by the gentleman from Rhode Island [Mr. FOGARTY] when he said that, as a matter of fact, under the present program, Mexican nationals, known as braceros, are treated better than domestic migrant labor. That is exactly the situation at which the Fogarty amendment is aimed.

I wish to emphasize that the Fogarty amendment does not kill or cripple Public Law 78. Public Law 78 is extended for 2 more years. The Fogarty amendment, however, also clarifies the safeguards of existing law designed to protect domestic migrant labor. These provisions have been recommended by the committee of distinguished Americans who worked for 9 months last year studying the operation of this act. They concluded that these clarifications in the provisions protecting domestic migrant labor were needed to make the bracero program work effectively. Nothing we have heard here today would establish the contrary.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. GEORGE P. MILLER].

(Mr. GEORGE P. MILLER asked and was given permission to revise and extend his remarks.)

Mr. GEORGE P. MILLER. Mr. Chairman, I am going to vote for the Fogarty amendments and I am going to vote for this bill, because I realize that without the bill American agriculture is going to find itself in a plight in which it cannot survive.

In 1937 as a member of the California Legislature I was sent into the "Grapes of Wrath" country, and what was recited in that book was true—all too true. Unfortunately it is a fact that we need Mexican labor now. We give them better conditions under which to work and to live and we pay them more than we pay our own people. In spite of what the distinguished gentleman from North Carolina says, this is not because the Secretary of Labor insists upon it, it is because the Mexican Government, protecting its own nationals, insists upon it. We have to meet the conditions set up by Mexico as a condition to its allowing its nationals to work in the United States.

If American agriculture is going to exist it has to get away from its dependence on Mexican labor. It has always been dependent on cheap labor from the time they brought in slaves to the influx of Chinese and Japanese right down the line. If you pay high enough wages and make work on the farm attractive, you will get Americans to work on the farm.

Sooner or later the status of the people of Mexico will be raised to the point

where their Government will no longer allow them to come here.

My colleague from California [Mr. UTT] has told you of the progress being made in this respect.

Should we not take a long look at the dependence of American agriculture on a single source of labor—a source of labor so instable as this?

A wave of anti-Americanism or extreme nationalism could destroy the basic agriculture in this country and drive this country into chaos.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. CLEM MILLER].

(Mr. MATTHEWS asked and was given permission to yield the time allotted to him to Mr. CLEM MILLER.)

Mr. CLEM MILLER. Mr. Chairman, I rise in opposition to this amendment.

I rise here as one who has supported every bill of my fellow Congressmen from the cities, who has gone down the line for the liberal program of the Democratic Party.

I rise here as one who represents nothing but family farmers, and a lot of them.

I rise here as one who has worked in the fields with braceros, side by side with them, not 5 years ago; one who has hired braceros himself, because when I went into the towns and tried to find American workers to come out to my farm, I could not find any.

What is the Fogarty Amendment about? This amendment sets standards. I say we already have standards, high standards. California has figured heavily in these proceedings, and anyone who does not believe that high standards do not exist in California does not know what he is talking about. If there is any doubt, I refer you to page 44 of the hearings. Read the requirements for hiring labor that are set forth there. Standards of housing, transportation, sanitation; requirements for hiring domestic labor at the going wage and so fourth.

I also speak as one who not 2 months ago called a meeting of my farmers to consider this legislation. Over 250 farmers turned out to tell me what the situation was in their fields, in their housing, and in their conditions, in order to satisfy the high requirements for farm labor in the State of California. We are paying in the First District of California \$1.25 an hour. This is the going rate. This rate must be paid to meet the high standards demanded by the State of California for Mexican laborers. This is of benefit to the domestic laborer because he gets that \$1.25 in cash, whereas the Mexican gets \$1.15, and the other 10 cents goes for administration. So actually we are benefiting these American domestic workers who want to work in the fields, because they are getting 10 cents an hour more than the braceros are. Far from depressing farm labor costs, the braceros program is boosting the wage scale of all farm workers. I say we should defeat this amendment. I say this as one who has gone down the line to back you up. I am asking you for your support now.

In conclusion, let me say that this dilemma we face is neatly summed up in a short colloquy between myself and Monsignor Higgins, one of the members of the Secretary of Labor's advisory committee:

Mr. CLEM MILLER. I represent a district which is almost totally composed of what you would call family farms. All of my farmers tremble on the edge of bankruptcy.

My question is, "How do you solve the farm-labor problem unless you have solved the problem of a fair price for the farmers' products?"

Monsignor HIGGINS. Well, that is the problem that I presume is going to get on the front pages every other day between now and the election. I do not know. I would not claim to know.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona [Mr. RHODES].

(Mr. RHODES of Arizona asked and was given permission to revise and extend his remarks.)

Mr. RHODES of Arizona. Mr. Chairman, if this amendment is adopted you have killed the Mexican farm labor bill. Make no mistake about that. These amendments are not new. They represent mainly powers which the Department of Labor already has asserted as far as control of this program is concerned. Here is the gimmick in this amendment, and you read clear over to page 4, line 13, before you get it: "Issue such rules and regulations as may be necessary to carry out the provisions of this title."

That is a little strange, because this program has been regulated to death if any program has. Why do you think the Department of Labor wants us to agree it has a right to make rules and regulations? I think I know. I think they know as well as most lawyers know that they do not now have the rights they have asserted because they were not granted by Congress. Now they are trying by subterfuge in this amendment to cause the House of Representatives to say they have and by implication have always had the rights they have asserted, and more. To me this is dishonest. This is a situation in which we are asked to ratify the greatest usurpation of power by a department of the Government that I have ever seen. Some persons in this Department have done everything they possibly can do to kill this program by indirection, and they will continue to try to kill this program. If you take this amendment you will give them a green light to proceed to administer the coup de grace. Let us vote down this amendment, and show this department that this body is for the farmer, the workingman, and our good neighbor, the Republic of Mexico. Let us show those people who assert power they never had that we know how to reclaim and recover usurped power.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

The Chair recognizes the gentleman from Virginia [Mr. ABBITT].

(Mr. ABBITT and was given permission to revise and extend his remarks.)

Mr. ABBITT. Mr. Chairman, I am opposed to the pending amendment. I

would like to take this opportunity to commend the chairman of the subcommittee who held long hearings and went thoroughly into this bill. I strongly favor the bill sponsored by the gentleman from Arkansas [Mr. GATHINGS]. I favor the pending bill. I am strongly opposed to the amendment because I think the Secretary of Labor has already usurped authority that it never had. This will turn over to the Secretary of Labor far more power.

The Congress of the United States has often seen an attempted seizure of its constitutional legislative powers by executive departments. Unfortunately, in the past few years this tendency on the part of the executive branch has been carried to greater and greater extremes.

Executive departments, in their eagerness to pay political debts, or in their fear of facing the legislative process in the Congress, have become more and more contemptuous of the constitutional limitation on their authority and increasingly rely on administrative rules and regulations having the force of law, and based on the flimsiest premises of legal authority to work their will in defiance of the Congress.

In my many years as a Member of the House I cannot recall a grosser example of the preemption of the legislative function by an executive department than is done by the Secretary of Labor's regulations promulgated November 20, 1959 in the field of migratory labor.

The Secretary of Labor in this instance, claims authority to regulate in the field of wages, hours, housing, and transportation of migratory workers under the Wagner-Peyser Act, passed in 1933, and which, up until the Secretary's action in 1959, performed its function of providing a grant-in-aid program for the maintenance of State employment services and for the Federal agency to coordinate the program.

After all these years, including too many in which the present Secretary of Labor has held his office, the Wagner-Peyser Act has functioned as it was the intention of the Congress that it do.

The Secretary, in March of 1959, suddenly decided that this 1933 statute authorized him to enter into detailed and extensive regulation of farm wages, housing and transportation. I challenge anyone to study the language of this statute and to read the legislative history thereof and to find therein any shadow of intent by the Congress of conferring such powers on any executive department. The Chief of the American Law Division, Library of Congress, has summed up the situation most clearly, and I quote:

On this point, we have scanned the reports and debates on the Wagner-Peyser Act of June 6, 1933 (48 Stat. 113; S. 510, 73d Cong.), and do not find any indication that the Members sponsoring or debating the measure had in mind that the Employment Service was to exercise any substantive control over the working conditions and terms of employment of workers recruited by the Service.

The Secretary of Labor based the validity of his action solely on an opinion of the Attorney General, whose legal

logic was found to be extremely unsound by the Committee on Agriculture in its favorable report on H.R. 12176. Thus, one Cabinet member authorizes a new encroachment by his fellow Cabinet member and presents the Congress with an accomplished fact and with a further erosion of our constitutional position. We can properly establish a value on the Attorney General's opinion in this case by asking the honorable Members of this House of any instances that they recall in which one branch of the executive department denied additional power to another branch of the executive. We thus have an absurd situation in which one executive department seeks legal authority for its actions from another executive department, and the Congress too often acquiesces in this pirating of its legislative responsibilities.

The unfortunate consequences of the entry of the Department of Labor into agricultural matters are already beginning to make themselves felt. There are reports of instances of favoritism in the recruiting of migratory labor by the Employment Service. Individuals in the Department of Labor, with little knowledge of agricultural problems, and less sympathy for those problems, are complicating the agricultural labor situation with unrealistic regulations. The Department of Labor sets itself up as a housing authority, as an arbitrator of wages and transportation practices, and demonstrates its complete disregard for a free enterprise economy. Why would not the Department of Labor bring to the Congress specific proposals for a mandate to proceed as it has done? Surely, this body has proven itself to be sympathetic to any legitimate demand in the field of labor relations.

Legislation by executive decree is a foreign doctrine to America. Only the Congress of the United States has the necessary sources of information and the diverse viewpoints which can produce legislation reconciling the interests of all the people in a new law.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. THOMPSON].

(Mr. THOMPSON of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in support of this amendment not only because of the moral questions involved, but also because my experience might be entirely different from that of my distinguished friend from California [Mr. CLEM MILLER]. The experience in my congressional district which is composed of garden and truck farms to a very large extent is that because of the importation of Mexican labor the New Jersey farmer whose farm, for instance, is not 15 miles from the Campbell Soup Co., the largest consumer of tomatoes in our area, cannot compete, believe it or not, with farms in the Southern States using this labor which harvest the crop, and which drives it up to the plant in New Jersey delivered there at a price less than that obtained by the New Jersey farmer.

I realize this problem has a broader scope than my district; I realize it is a national problem, and I do not mean to sound unnecessarily parochial about it. If for no other reason I would be in favor of the amendment on the moral issue, the depression of the farm and agricultural wages and standard of living in my area and in many other areas because of the peculiar benefits enjoyed by those who reside near the source of this cheap labor is an overwhelmingly persuasive reason for my supporting the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. QUIGLEY].

(Mr. QUIGLEY asked and was given permission to revise and extend his remarks.)

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. QUIGLEY. I yield to the gentleman from Oregon.

Mrs. GREEN of Oregon. In the House Committee on Education and Labor for many weeks and months we have been considering minimum wage. Not long ago the gentleman from California [Mr. ROOSEVELT] and the gentleman from California [Mr. HOLT] made quite a tour of the California area. The gentleman from California [Mr. ROOSEVELT] tells me that farmer after farmer pleaded with them not to bring farm laborers under the minimum wage law. These farmers in California and Arizona said they would go broke—they could not stand it—it would ruin them if they had to pay them the \$1 an hour.

I find it very hard to equate that with statements being made this afternoon that farmers in California are paying \$1.25 an hour for farm laborers. In addition it seems to me that inherent in this system is exploitation of the Mexican nationals. In the situation I referred to a few moments ago the Mexican nationals coming in were not being paid even as much money as the domestic workers were when they were working alongside of them. For instance, in the pear orchards, which was piecemeal work, the Mexican nationals said time after time they were given those places where the fruit was sparse, or where it was hard to get at, with the result that they made considerably less at the end of the day. So there are many inequities in the operation of this law. I would do away with it, but if I cannot do that I will support the McGovern-Fogarty amendment. I think it is an improvement upon present law.

(Mrs. GREEN of Oregon asked and was given permission to revise and extend her remarks.)

The CHAIRMAN. The Chair recognizes the gentleman from Utah [Mr. DIXON].

(Mr. DIXON asked and was given permission to revise and extend his remarks.)

Mr. DIXON. Mr. Chairman, if we want a domestic sugar-beet industry, which we must have, and we will find out tomorrow how desperately we need it, we must pass this bill without the amendment. I have hundreds of letters against the spirit and the content of the amendment.

I cited an experiment whereby we kept Mexican nationals out of Utah for a week or two, and it threatened the whole industry. That was at a time when there was widespread unemployment in our State.

Our people will not do the stoop labor required in thinning sugar beets.

I yield to the gentleman from California.

Mr. CLEM MILLER. In answer to the gentlewoman from Oregon, who said a few minutes ago that the farmers of California were not willing to be covered by the minimum-wage law, it is not a question that they are not paying in excess, it merely means that they do not want the redtape, regulation, and so on that goes on in connection with this particular labor as distinguished from any other.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from California.

Mr. GUBSER. Nor can the farmer who harvests on a seasonal basis stand the time and a half provision of the minimum-wage law.

The CHAIRMAN. The Chair recognizes the gentleman from Vermont [Mr. MEYER].

Mr. MEYER. Mr. Chairman, if we are going to have economic balance in America we have to raise the general overall wage rates on American farms. This is in the interest of the farmer himself, and in the interest of a healthy agriculture. If it means higher prices for farm commodities that is the very thing we need because farmers and agriculture are competing with high wage rates in the steel industry. They are competing more or less with administered prices, and I feel very strongly that in the long run if we have higher wage rates on the farm it is in the interest of the family farmer and American agriculture. Basically the prime net income of a family farm is labor income and should improve relatively when farm wages approach factory wages. It is unfair to expect to have cheap food unless the farmer receives labor income at an hourly rate that is in balance with the hourly rates of other workers.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MOSS].

Mr. MOSS. Mr. Chairman, I had not planned to speak on this particular legislation. However, I have listened to the most confusing statements that I have heard in a long time on a comparatively simple matter.

An example of the confusion is the charge by one Member that domestic labor gets more than the imported Mexican labor, on the other hand. The gentlewoman from Oregon stated that the imported labor gets less than the domestics. The fact is that the imported labor gets the going rate, and we do not import them unless there is a scarcity or unavailability of domestic labor. Remember, we are not talking about cheap labor. Imported labor is not cheap. It costs just as much if not more than the domestic labor, if it were available. But it is not available. It not available

for the small farmer in my district, and my district is a district characterized by family-size farms with tremendous diversity as to crops.

We cannot get labor except occasionally on a Monday morning, if the farmer wants to go to the employment service office and pick up a few men who have spent the weekend in the drunk ward of the jail. They can get a few to work for an hour or two, and then they take off.

It is not fair to expect us to harvest our crops with labor of that type. Any person from any part of this country who seeks employment at agricultural labor will find it readily available in my district. But that labor is not available.

This bill would impose a blanket of frustrating bureaucracy on the farmer and, I might add, a tremendous cost on the Department of Labor.

I cannot understand the purpose of the McGovern or Fogarty amendments, or what they mean. I do not know whether the criteria called for is to be developed prior to the certification of the scarcity of labor, or whether the Secretary is to study the import experience, and then determine that he should certify as to the need.

It is a confused and confusing piece of legislation, and it certainly would not raise one iota the level of the domestic agricultural worker, nor improve his lot.

I urge defeat of the amendments and passage of the simple extension of the present program.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, I ask unanimous consent to transfer the time allotted to me to the distinguished gentleman from California [Mr. SHELLEY].

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. SHELLEY].

Mr. SHELLEY. Mr. Chairman, may I first of all thank the gentleman from West Virginia.

Mr. Chairman, I am not taking the floor today to shout at you, to scream at you, to engage in emotional pyrotechnics nor to entertain you with the story of the shooting some years ago when this bill was on the floor. If I had not gotten under the table as fast as my friend, the gentleman from Florida [Mr. MATTHEWS], I might not even be here today. Although I got under in less than 1 second, it took me 5 minutes to get out. There was a bullet hole right in the center of the back of the chair in which I had been sitting.

Now, let us clear up the issues. I agree with my good friend, the gentleman from California [Mr. MOSS] with whom I seldom disagree, but there has been great confusion presented by both sides. First of all, why was the Fogarty amendment offered or the McGovern amendment offered? Because in the Committee on Agriculture there was an attempt to challenge what the Secretary of Labor asserts is a right he has

under the law at the present time to enforce the provisions of the Wagner-Peyser Act in this bracero law. The Gathings proposal was introduced in the original bill which was reported out of the committee, which repealed or challenged any authority of the Secretary of Labor. As a result of this challenge the conflict between the thinking of those on the Committee on Agriculture, who in a great manner represent the thinking of agriculture in this country, and properly so, and the position of the Secretary of Labor was resolved. Therefore, the Fogarty amendment was introduced to clear up once and for all and determine the right of the Secretary of Labor to apply the provisions of Wagner-Peyser to the importation and use of Mexican braceros. That is the answer to Mr. RHODES' comment.

Mr. Chairman, it is possible that the leadership on the other side of the aisle cannot make up its mind on this adjournment or recess resolution, but that is not the subject at the moment.

Now, certainly the Fogarty proposal gives the Secretary the authority to impose regulations on the importation and the use of Mexican labor. Nor has the Secretary of Labor not been the initial source of the requirement for housing and other provisions in the present law or the regulations stemming from the law. These were put in at the request of the Mexican Government seeking to protect its nationals whom they charged were being exploited in this country.

The Fogarty amendment should be adopted. It does not repeal the law, nor does it make it ineffective. To the contrary, it will be a great step toward insuring a permanent program on a decent and equitable basis.

(Mr. SHELLEY asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The Chair recognizes the gentleman from Washington [Mr. HORAN].

Mr. HORAN. Mr. Chairman, I am very much opposed to the pending amendment, and I am very much in favor of the measure that has come from the committee under the leadership of the gentleman from Arkansas [Mr. GATHINGS].

To me the pending amendment is too far-reaching and contains the tools of a regulation of free labor that could be dangerous in the hands of an arbitrary Secretary of Labor should he choose to employ them at some future date.

(Mr. HORAN asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. KYL].

Mr. KYL. Mr. Chairman, I ask unanimous consent that the time allotted me be yielded to the gentleman from Texas [Mr. POAGE].

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Chairman, the gentleman who just preceded me pointed out that there has been a lot of confusion about this measure. And, indeed there has. Unfortunately, some of the finest men in this House have sought to legislate on something on which they have no background information. The gentleman from Rhode Island, with his farm experience in Rhode Island, has still never had any experience using braceros. The gentleman from New York, who has rendered such a splendid contribution to our Committee on Appropriations and has proven his sincere interest in agriculture, on so many occasions has no conception of the relationship of these crops or surely he would have never sought to deny the use of bracero labor to cottongrowers. Cotton is not in nearly the surplus in which some other crops are. Surely, no fair man, and the gentleman from New York is always fair, would want to single out one legal and needed crop and discriminate against it just because it is grown only in the southern half of our country. I feel sure that the gentleman does not seriously want to deny cottongrowers the use of labor which would be legally available to the growers of any other crop which might be in surplus. I feel sure that the gentleman only offered this amendment to call attention to our surpluses and not with any idea that it would or should be adopted. What I have said is offered in no spirit of criticism, but the first amendment requires that any man who is going to use these braceros not only make reasonable efforts to attract domestic workers for such employment, but that his efforts should include independent and direct recruitment by the employer who is requesting foreign workers and under terms and conditions of employment comparable to those offered to foreign workers.

That means, of course, if there is one individual in a community, or one large corporation, who can spend thousands of dollars to go out and recruit, go to Chicago or Memphis or some other distant point and haul people across the United States, that then every little farmer would have to do the same thing before he can use a Mexican. I tell you those little farmers cannot do it. This is a big farmers amendment regardless of what I know to be the author's good faith effort to assist small farmers.

The CHAIRMAN. The time of the gentleman from Texas [Mr. POAGE] has expired.

The Chair recognizes the gentleman from South Dakota [Mr. McGOVERN].

(Mr. McGOVERN asked and was given permission to revise and extend his remarks.)

Mr. McGOVERN. Mr. Chairman, I want to use the brief time that has been allotted to me to make it perfectly clear that the Secretary of Labor is in substantial agreement with the terms of Mr. FOGARTY's amendment and is opposed to extending the legislation unless changes along the line we are recommending in this amendment are accepted. In a letter which he addressed to me on June 24, he has this to say:

My previously expressed opinions in this matter have not changed. There is ample evidence before the Department, including the conclusions and recommendations of independent consultants who have studied this problem for me, that the Mexican program legislation needs substantial improvement in order to avoid adverse effects upon our own farmworkers. My view remains that the existing law should not be extended until such improvements can be incorporated in it.

That is signed by the Secretary of Labor.

The CHAIRMAN. The time of the gentleman from South Dakota [Mr. McGOVERN] has expired.

The Chair recognizes the gentleman from Arkansas [Mr. GATHINGS].

Mr. GATHINGS. Mr. Chairman, I want to advise the Committee that in the amendment offered by the gentleman from New York there is something that almost escaped notice. As a matter of fact, under this program, the Secretary of Agriculture makes the decision on what crops these workers from Mexico are to be used. The gentleman comes in here now and says that you can use them on food crops but you cannot use these Mexicans in the cultivation and harvest of the cotton crop.

I want to say to this Committee that that is highly unfair, because he is trying to chop the law half in two that has worked so well in this country.

He wants to deny the cotton farmers of the Nation the right to use these laborers on these farms. Now, there was a question asked before the committee of Mr. Young of the National Cotton Council about the offtake and the production of cotton. Here is the question and here is his reply:

Do you have any figures on the production and disappearance?

Mr. YOUNG. The 1959 crop, Mr. GATHINGS, was approximately 14,750,000 bales.

Mr. GATHINGS. What is the anticipated offtake?

Mr. YOUNG. The anticipated offtake is almost 16 million bales, or about 1¼ million bales more than was produced in 1959.

The gentleman wants to cut off all braceros from use on the cotton farms in America.

Mr. Chairman, I hope his amendment will be voted down.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. HOEVEN].

(Mr. HOEVEN asked and was given permission to revise and extend his remarks.)

Mr. HOEVEN. Mr. Chairman, I have no personal interest in this legislation whatsoever. It does not affect the State of Iowa. I think we had some 75 Mexican laborers in the entire State of Iowa, last year.

The question before us is simply this: Do you want the fruit and vegetable growers in this country who need this type of labor to harvest their crops, or do you want to put them out of business? There are a lot of farmers who are absolutely dependent upon this kind of stoop labor. It has been fully disclosed throughout the hearings that this type of labor will not be engaged in by American labor. The bill before us will not displace American labor. The law pro-

vides that the Department of Labor must certify that American labor is not available before Mexican labor can even be made available. So the question naturally arises whether you want an extension of this program or whether you want wetbacks coming into the country in large numbers. It is just that simple.

It is not an easy matter to work out migrant labor agreements with the Republic of Mexico. It takes a lot of negotiation. We have very friendly relations with Mexico today. You can imagine what might happen if we would suddenly curtail the migrant labor program. I fear it would result in thousands of wetbacks coming into this country. This would be detrimental not only to the agricultural economy of this country but would be rather detrimental to our friendly relations with Mexico.

Mr. GATHINGS. Mr. Chairman, will the gentleman yield?

Mr. HOEVEN. I yield to the gentleman from Arkansas.

Mr. GATHINGS. I commend the gentleman on a very fine statement, and for his efforts in behalf of this meritorious legislation. It has been said in this debate that only 2 percent of the farmers of America use this labor. That may be true, but in the Midwest area they grow quite a lot of small grains, wheat, corn, and the like, and it is not necessary to use this labor in growing and harvesting grain.

Mr. HOEVEN. That is true.

Mr. GATHINGS. Only 2 percent of the farmers use this labor because of the fact that it is in those few areas in America where stoop labor is necessary that they are needed.

Mr. HOEVEN. The gentleman is exactly right. I am not concerned as to whether it is 1 percent, 2 percent, or 10 percent. The fact is that when the small farmers of America under our free-enterprise system want to harvest their crops they should have the necessary labor available to do so. When American labor cannot be provided to do the job, our farmers should be provided with other labor to harvest their crops. If you prefer an extension of the present program to a wetback program, then, you should vote against the amendment that has been offered by the gentleman from Rhode Island. If we are going to have a wetback program in this country with all the implications involved we should do so with our eyes open. We are keeping up our good relations with the Republic of Mexico, and we do not want to disturb them at this time when we are already having some difficulties with Castro and Cuba.

No hearings have been held on the McGovern-Fogarty amendment. There is a jurisdictional fight between the Secretary of Labor and the Secretary of Agriculture, which should be fully reviewed by the Committee on Agriculture next year. The sensible thing to do is to extend the act for 2 years, as proposed in the committee bill, and then give the Committee on Agriculture an opportunity to fully explore the entire situation.

Mr. McGOVERN. Mr. Chairman, will the gentleman yield?

Mr. HOEVEN. I yield to the gentleman from South Dakota.

Mr. McGOVERN. May I remind the distinguished gentleman that hearings were held on this legislation and testimony was taken by the committee, and everyone who wished to be heard was given an opportunity to be heard.

Mr. HOEVEN. There may have been general hearings on the overall problem but no specific hearings were held on the gentleman's amendment, as I recall.

Mr. COOLEY. The amendment was considered, but not a single farm organization came out for the amendment.

Mr. HOEVEN. No hearings were had on the McGovern amendment.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from South Carolina [Mr. COOLEY], the chairman of the committee, to close debate.

Mr. COOLEY. Mr. Chairman, I wish to reiterate the statement I made just a moment ago to the effect that according to my recollection no farm leader in America endorsed this pending amendment. I do not recall that anybody in the Department of Agriculture endorsed the pending amendment. The bill before you has the endorsement of all farm organizations. It has the endorsement of the Department of Agriculture. The Secretary of Labor is authorized to recruit workers.

No workers recruited under this title shall be available for employment in any area unless the Secretary of Labor has determined and certified that, first, sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed; second, the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed; and third, reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. COOLEY] has expired.

All time has expired.

The question is on the amendment offered by Mr. SANTANGELO to the amendment offered by Mr. FOGARTY.

The question was taken; and on a division (demanded by Mr. SANTANGELO) there were—ayes 33, noes 122.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Rhode Island [Mr. FOGARTY].

The question was taken; and on a division (demanded by Mr. BAILEY) there were—ayes 51, noes 138.

So the amendment was rejected.

Mr. GUBSER. Mr. Chairman, I move to strike out the last word.

(Mr. GUBSER asked and was given permission to revise and extend his remarks.)

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that all debate on the pending bill and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. SHELLEY. Mr. Chairman, I object.

Mr. COOLEY. Mr. Chairman, I amend my request and ask that all debate on the bill and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. GUBSER] is recognized for 5 minutes.

Mr. GUBSER. Mr. Chairman, as has been stated repeatedly on the floor this afternoon, a great deal of misinformation has been circulated with respect to the operation of this program. It has been repeated in good faith by many Members.

I wonder how any one of us would feel if we had our life's savings and all we could borrow from the banks invested in an apricot orchard in Willows, Calif., at this very moment and we could go out of our front door and see that crop, on the ground—our savings, and our work wasted. This is the situation this moment in Willows, Calif. Fifty percent of the crop is on the ground in Brentwood, Calif.; 25 percent at Los Baños and Tracy, and other places. It is due to but one thing, shortage of labor.

One farmer lost \$225,000 worth of cherries just a month ago in California.

Last year 10,000 tons of cling peaches rotted on the ground because the farmers could not get labor to pick them. This is wasted food. This raises your cost of living.

A great many people do not understand the need for this type of labor. It has been repeatedly stated that domestic labor is available. The fact of the matter is that domestic labor does not want employment at any price because of the physical conditions involved in doing the work.

Week after week I have been placing an article in the CONGRESSIONAL RECORD from my hometown newspaper, the Gilroy Evening Dispatch. It is a weekly report from the farm labor office. Always the first paragraph of that article says in effect: "We desperately need cherrypickers and berrypickers. Come down and register."

But, Mr. Chairman, the next paragraph of that same article says there are 500 to 600 continuing claims for unemployment insurance. Some of these claims are from housewives, I admit. I talked to one Member of Congress yesterday and he said, "We tried to get students to pick our strawberries. They would not do it. But my wife went out and picked them because she got two baskets for every four she picked, and she filled the freezer with them."

Mr. Chairman, if picking strawberries is not beneath the wife of a Member of Congress, it is not beneath young men to go out and do the same thing. A great many of us did it when we were getting started. We learned to work, we learned to earn our salt. And it did not hurt any of us. Not today. Very few want to work at menial and stoop tasks any more, and I will not blame the American people. But because the American people have changed in their desires, does that mean that the farmer at Brentwood, Tracy, and other places should have his years' savings go on the ground and result in utter waste because he cannot get the labor?

It is stated that only 2 percent of the farmers are helped. But let us not forget that two-thirds of the Nation's acreage is in feed grains. A lot of it is in livestock. When you speak of this 2 percent you are speaking of only 2 percent of 10 percent of the farmers, who might use this labor. This places the statement in an entirely different light. It means that 20 percent of those who have the need for such labor actually use them. The figure of 2 percent is nothing more than distorted propaganda which has been innocently repeated this afternoon.

If my neighbor across the road is a corporation farmer and I am a small farmer it is to my advantage that he gets braceros. When his needs are satisfied with braceros I have the opportunity of hiring locals. Without the Public Law 78 program my rich competitor could attract locals with better offers which I could not match and I, the small farmer would suffer most.

Mr. Chairman, the argument that this program only helps the large farmer is just not true.

It is interesting to note that the Monitor, the official newspaper of the Catholic Archdiocese of San Francisco, has started a series of five articles giving the growers' side of the bracero story. I have already placed the first article in the RECORD and submit herewith the second article which was published June 24:

THE BRACERO STORY: "I PREFER LOCAL LABOR, BUT—"

(By James Kelly)

This is the second of five articles on "The Bracero Story," dealing with the dispute over hiring of Mexican nationals to harvest California's crops.

Telling the growers' side are Stephen A. D'Arrigo of San Jose, Paul A. Mariani of Cupertino, and Gerald B. Hansen, San Jose, attorney for the Progressive Growers Association. Black dots indicate their chief claims, continued from last week.

Braceros do not depress the farm wage scale. They are hired at the prevailing rate—right now, \$1 an hour for pickers in the Santa Clara Valley. The growers do not set this rate. The State farm placement service tells them what to pay.

"Labor accounts for the bulk of a grower's costs in producing some crops, up to 85 percent in strawberries," D'Arrigo said. "He can pay just so much without losing money. In fact, Salinas has been forced out of carrot production because growers there could not compete with the lower labor costs in Texas.

"I would prefer to hire domestic labor if I could, even at \$1.25 an hour, because it costs me \$32.50 to bring a bracero up from

the border reception station and return him. But the local labor market cannot supply me with the workers I need, when I need them."

Labor costs knocked strawberry acreage from 22,000 down to 12,000 this year, Mariani said. D'Arrigo noted he has only 500, instead of 1,500, acres in pole beans for the same reason.

Housing, food, and sanitation at bracero camps in California are above reproach.

"There are bound to be some abuses, some violations of the rules, certainly," attorney Hansen declared. "But these are few and far between. Archbishop Lucey's accusations on this score may be true in Texas, but they don't apply here. For one thing, the international agreement with Mexico spells out in detail exactly the kind of conditions a grower has to maintain.

"Discovery of an abuse means the grower loses his braceros. With the labor shortage, he simply can't afford to risk it."

(The Monitor visited a camp at D'Arrigo's Santa Teresa ranch south of San Jose. Barracks-type quarters appeared neat and clean with steel cots and linoleum floors. Outdoor privies were provided with running water. Surrounding grounds were graveled and well drained. There were indoor showers and a lean-to washroom, all clean. The noon meal of chorizo and frijoles—braceros are fed Mexican-style food according to a daily menu outlined in the Progressive Growers Association handbook—was being prepared in a spotless kitchen for serving in an equally clean mess hall.

The "corporation" farms' use of braceros is not ruining the small family farmer.

"It's not braceros, but the increase in cost of production, that's hurting the small farmer," D'Arrigo pointed out.

"Eighty thousand acres have been taken out of production in Santa Clara county in the past 10 years. No new farmers have gone into agriculture. Actually, the only thing keeping California farmers' heads above water is not returns on their crops, but capital gains—that is, sale of their property.

"There are people right in this county, old-timers especially, making a bare living, if that, from their crops. But they could sell the land they're sitting on for millions of dollars, and eventually they will, as urbanization continues."

This is the bracero story as seen by growers. Does it paint a picture of a "ghastly racket," an insult to the American conscience?

Mariani, D'Arrigo, and Hansen agreed that more light is needed on the big and basic social problem that has generated the whole bracero issue.

That problem: Can American consumers be educated to pay substantially higher prices for farm products? If not, who will bear the cost of the kind of wages required to keep American farm workers "down on the farm"?

Mr. Chairman, if we are to argue morals let us think for a moment of the programs benefits to underprivileged citizens of Mexico. This is second only to tourism as a source of outside income to Mexico. It has allowed hundreds of Mexican families living at starvation levels to assume the dignity of owning land, being in business for themselves, and improving their standard of living. Our Government has adopted the policy, through the mutual security program of helping underprivileged people. This is a way of doing this and at the same time saving crops which will go to waste.

Braceros do not replace domestic labor. You cannot employ them while one domestic wants a job and does not have it. It is well regulated and clean living and working conditions are as-

sured. It is necessary and worthy of your support.

(Mr. GUBSER asked and was given permission to revise and extend his remarks.)

Mr. ROOSEVELT. Mr. Chairman, I ask unanimous consent that my time be given to the gentleman from California [Mr. SHELLEY].

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mrs. GREEN of Oregon. Mr. Chairman, I ask unanimous consent that my time be given to the gentleman from California [Mr. SHELLEY].

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. SANTANGELO. Mr. Chairman, I ask unanimous consent that my time be given to the gentleman from California [Mr. SHELLEY].

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. SHELLEY].

Mr. SHELLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHELLEY: On page 1, line 4, after "June 30" strike out "1963" and insert "1962."

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. SHELLEY. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I would like to say to the gentleman from California that I agree with his amendment. I had a similar amendment to offer. I should like to join with the gentleman in his amendment, and I ask unanimous consent that my time be given to the gentleman from California [Mr. SHELLEY].

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. SHELLEY. Mr. Chairman, in the first place, the argument has been made that those who proposed the preceding amendment, and I am not surprised it was defeated, were opposed to this program. Nobody has offered here today anything to end the program. Nobody has made one suggestion about terminating it. I will say to those who support this legislation that there are farm areas in this country and crops which, if the crops are to be harvested, need outside labor, and that there is a drastic shortage of it. There have been incidents of crop loss over the years. This bill would extend the present law 2 years past July 1, 1961. The existing act does not terminate in the next month; it terminates a year from now.

My amendment would give a new administration the opportunity to study it for a year and come in with a program that would end the confusion, the consternation and the conflict that exist and have existed throughout the period

this law has been in existence. It would extend the law to July 1, 1962.

Do not extend this law to 1963. Let us clear up this confusion, let us make a contribution to the needs, the requirements and the demands on both sides, and let us be fair.

I say this is a fair approach. It would give a new administration with a new view, a new look, a chance to study it and come in and make recommendations to the Congress.

Mr. Chairman, I ask that this amendment be adopted, which simply cuts down the expiration date or extension from June 30, 1963, to June 30, 1962.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I yield to the gentleman from Michigan [Mr. HOFFMAN].

(Mr. HOFFMAN of Michigan asked and was given permission to revise and extend his remarks.)

Mr. HOFFMAN of Michigan. Sure you may get a new administration, but you will have gotten the same old growers of fruit and farm produce.

You have been yipping and yelling about second-class citizens. What we are trying to do here is to make everybody who owns an acre of land a second-class citizen with organized labor giving the orders where they do not represent employees. That is what it is.

I cannot understand why the representatives of organized labor are so concerned when none of their members are employees in this business. Why are you yelling about the Mexicans when they are satisfied and the farmer-employer is satisfied? Why should, and where does, organized labor come in?

Mr. SHELLEY. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. Did you see what Quinn said today?

Mr. SHELLEY. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. No; I cannot yield.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona [Mr. RHODES].

(Mr. RHODES of Arizona asked and was given permission to revise and extend his remarks.)

Mr. RHODES of Arizona. Mr. Chairman, the bill must be extended for 2 years. Without legislation to extend this particular bill, it will be almost impossible for the farmers to get financing; it will be almost impossible for the farmer to plant his crop. The farmer has to know this day and time, the situation concerned, under which he will grow his crop. Without at least 2 years to determine what he will be doing when the crop is planted, when the crop is to be harvested, all of the imponderables which a farmer must face, anyway, it would be almost impossible for him to plan and conduct his business in the way you and I would want to conduct ours.

So, I ask that the amendment offered by the gentleman from California be voted down and that the bill be passed

as it was reported from the great Committee on Agriculture.

(Mr. ABBITT and Mr. COOLEY asked and were given permission to yield the time allotted them to Mr. GATHINGS.)

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. GATHINGS].

Mr. GATHINGS. Mr. Chairman, I just want to say that the farmer pays the major part of the cost of the operation of this program; that is, bringing up the labor from away down 150 to 200 miles inside Mexico up to the reception center and for processing that bracero at the border and for transporting him to the farm and giving him an insurance policy, subsistence, hot lunch en route, and then returning that worker right back to the border again. It costs \$42.60, as the record reveals, to bring a man up and to get him back, that is, to the State or Arkansas, a distance of about 1,000 miles from the Mexican border.

Now, that \$42.60 would not be paid by that farmer if he could get that labor from any other source; he would not do it, because it is not recoverable. Not one nickel of that money is reimbursed. \$42.60 is the amount paid to obtain this labor to chop or to harvest his crop.

Now, the gentleman would want to only have a 1-year extension of this act. It has always been a 2-year act from the very beginning. In 1951 we passed a 2-year act. We came along again in 1953 and extended it for 2 years. We have always extended it more than 1 year all along the line. The farmer knows what to expect. It would be a hardship to have a 1-year extension, which would require the farmers to come back to Washington again, at heavy expense, to ask for an extension of this act after such a short time.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. GATHINGS. I yield to the gentleman from North Carolina.

Mr. COOLEY. I would just like to point out that when we have hearings on this Mexican labor bill people come from all over the United States at their own expense.

Mr. GATHINGS. They do.

Mr. COOLEY. And they stay here in hotels day after day to present their views to our committee, and once every 2 years is often enough to subject them to that kind of treatment.

Mr. GATHINGS. Absolutely. I agree with the chairman of the committee. It is very expensive for these farmers to come here to get this extension approved by the Congress. I trust that the amendment will be voted down.

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island [Mr. FOGARTY].

(Mr. FOGARTY asked and was given permission to revise and extend his remarks.)

Mr. FOGARTY. Mr. Chairman, to summarize before this vote is taken, I must make very clear and explicit what a vote for H.R. 12759 really represents.

First of all, a vote for this bill would represent a vote for continuation of 30 to 50 cents per hour wage rates for our

own farmworkers—as in Arkansas today. U.S. farmworkers rates do not go above that level there as long as sufficient Mexicans are available at 50 cents.

It would be a vote for continuation of acute underemployment of U.S. farmworkers—which holds their average earnings to under \$1,000 per year—under \$600 per year for nonwhites.

In other words, this would be a vote for impoverishment of our own farmworkers; ignoring the clear need to improve the protection of our workers against foreign worker competition, it would be a vote, instead, for weakening the existing protections for U.S. farmworkers.

A vote for this bill would also be a vote for growing dependence upon foreigners for growing our foodstuffs. Already more than 80 percent of our lettuce harvest is in the hands of Mexican nationals.

It would be a vote to extend a special advantage to the 51,000 farmers—less than 2 percent of the total—who employ Mexicans.

It would be a vote for reduced incomes for the family farms whose markets are being steadily undermined by the output of cheap foreign labor.

It would even represent a vote to increase the burden on the Federal Treasury—for continuing subsidies to the growers of surplus cotton raised with foreign labor.

And this is something I did not know until it was brought out today. It would represent a vote to increase the burden on the Federal Treasury, on the taxpayers, for continuing subsidies to the growers of surplus cotton raised with foreign labor. In other words, 60 percent of those 450,000 Mexicans are going to be used to pick cotton that is already in surplus and which is costing the taxpayers millions upon millions of dollars. Storage costs alone will be about \$12 million for this past year.

I must make clear to the House, also that a vote for this bill is a vote to reject the unanimous judgment of the Nation's moral leadership—the churches—who advise unequivocally that the present bracero program is unacceptably immoral. Such a vote is a demonstration to the undeveloped, uncommitted nations of the world of how little our moral preachments mean when the selfish interest of our large landowners are involved.

Such a vote is a vote also for ignoring the objections and concern of the Mexican labor movement and of the church in Mexico—an attitude on our part which would only worsen our already sensitive relations with the peoples of other Latin American countries.

Those who wish to vote for permitting increasing use of Mexican contract workers in skilled farm jobs and as year round workers should vote for this bill.

Those who wish to vote for use of permanent immigrants or citizens, on the grounds that the former can be held on the job; that he is not free to accept other more attractive employment—a reason that is openly admitted—those should also vote for Mr. GATHINGS' bill.

And those who wish to continue to refuse U.S. farmworkers the same elementary protections and guarantees provided Mexican workers should also vote for this bill. For under that bill, the Department of Labor is not authorized or permitted to assure equivalent benefits for U.S. workers.

A vote for this bill is a vote for acquiescing in an Agriculture Committee effort to interpret a 27-year-old statute for which the Agriculture Committee never has had any responsibility—and about which it has had, apparently, little knowledge.

Such a vote, also, would be a vote in favor of Farm Bureau Federation dictation of U.S. labor policy—dictation in the clear interest of a few large farmers and against the clear interest of most of the Farm Bureau's own membership.

Finally, I suggest emphatically to my colleagues on both sides of the aisle that a vote for this bill is a vote for exploitation of the many for the benefit of the few. Seldom has an issue been more clear cut.

(Mr. WAINWRIGHT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. WAINWRIGHT. Mr. Chairman, as the Representative of Long Island potato growers, and other farmers, I cannot support the position of the gentleman from Rhode Island [Mr. FOGARTY] to eliminate migrant farm labor on Long Island. None of our farmers, nor the Farm Bureau, has contacted me in regard to this bill. However, I am sure that if they realized that Long Island migrant labor would be done away with that they would have been up in arms. My vote shall be cast for a continuation of the system which allows migrants to work on Long Island during the proper seasons. Failure to permit this will cause our farms to be destroyed.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. SHELLEY].

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. EVINS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12759) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, pursuant to House Resolution 569, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. BECKER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BECKER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. BECKER moves to recommit the bill H.R. 12759 to the Committee on Agriculture.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion was rejected.

The SPEAKER. The question is on passage of the bill.

The question was taken; and the Speaker announced that in his opinion the "ayes" had it.

Mr. YATES. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LAND GRANT INSTITUTIONS

Mr. SMITH of Virginia, from the Committee on Rules, reported the following privileged resolution (H. Res. 586, Rept. No. 2036), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10876) to amend section 22 (relating to the endowment and support of colleges of agriculture and the mechanic arts) of the Act of June 29, 1935, to increase the authorized appropriation for resident teaching grants to land grant institutions. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

NORTH ATLANTIC TREATY NATIONS

Mr. SMITH of Virginia, from the Committee on Rules, reported the following privileged resolution (H. Res. 587, Rept. No. 2037), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (S. J. Res. 170) to authorize the participation in an international convention of representative citizens from the North Atlantic Treaty nations to examine how greater

political and economic cooperation among their peoples may be promoted, to provide for the appointment of United States delegates to such convention, and for other purposes. After general debate, which shall be confined to the resolution, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

EXTENSION OF SUGAR ACT OF 1948 AS AMENDED

Mr. SMITH of Virginia, from the Committee on Rules, reported the following privileged resolution (H. Res. 588, Rept. No. 2038), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12311) to extend for one year the Sugar Act of 1948, as amended, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be considered as having been read for amendment. No amendments shall be in order to said bill except amendments offered by direction of the Committee on Agriculture, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Agriculture may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

FEDERAL EMPLOYEES' COMPENSATION ACT AMENDMENTS OF 1960

Mr. SMITH of Virginia. Mr. Speaker, I call up House Resolution 572 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12383) to amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the 5-

minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit.

Mr. SMITH of Virginia. Mr. Speaker, I yield to the gentleman from Ohio [Mr. BROWN] 30 minutes, and yield myself 1 minute.

Mr. Speaker, this resolution makes in order with 1 hour of general debate the consideration of the bill H.R. 12383, reported unanimously by the Committee on Education and Labor, approved by the Bureau of the Budget, and approved by the Navy Department. There is no objection to it from any source that I know of.

This relates to a revamping of the Federal Employees' Compensation Act, which has not been revised for many years and has some things in it that need correction.

Mr. BROWN of Ohio. Mr. Speaker, the gentleman from Virginia [Mr. SMITH], the chairman of the Committee on Rules, has explained this rule and the provisions of this bill very well. I know of no opposition to the rule on this side.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. WIER. Mr. Speaker, I ask unanimous consent, with the approval of the minority members of the subcommittee, the gentleman from New Jersey [Mr. FRELINGHUYSEN] and the gentleman from New York [Mr. GOODELL], that the bill, H.R. 12383, to amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes, be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees' Compensation Act Amendments of 1960".

TITLE I—SUBSTANTIVE AMENDMENTS

Increase in minimum compensation for total disability, attendants, allowance, maintenance while undergoing vocational rehabilitation

SEC. 101. Section 6 of the Federal Employees' Compensation Act is amended by striking out "\$75" in paragraph (1) of subsection (b) and inserting in lieu thereof "\$125"; by striking out "\$50" in paragraph (2) of subsection (b) and inserting in lieu thereof "\$100"; by striking out "\$112.50" in subsection (c) and inserting in lieu thereof "\$180".

Increase in death benefits

SEC. 102. Section 10(K) of the Federal Employees' Compensation Act is amended by striking out "\$150" and inserting in lieu thereof "\$240".

Increase in burial payments

SEC. 103. Section 11 of the Federal Employees' Compensation Act is amended by striking out "\$400" and inserting in lieu thereof "\$800".

Increase of compensation base where injury occurred before January 1, 1958

SEC. 104. Notwithstanding any other provision of this Act or the Federal Employees' Compensation Act, the monthly pay upon the basis of which compensation for disability or death is computed under the Federal Employees' Compensation Act shall be increased as follows: If such employee's injury (or injury causing death) occurred before January 1, 1958, but after December 31, 1950, such eligible employee's "monthly pay" shall be increased by 10 percent; if such employee's injury (or injury causing death) occurred before January 1, 1951, but after December 31, 1945, such eligible employee's "monthly pay" shall be increased by 20 percent; if such employee's injury (or injury causing death) occurred before January 1, 1946, such eligible employee's "monthly pay" shall be increased by 30 percent: *Provided*, That nothing in this or any other Act of Congress shall be construed to make the increase in the monthly pay provided by this section applicable to military personnel, or to any person or employee not within the definition of section 40(b) (1) or (2) of the Federal Employees' Compensation Act: *Provided further*, That this section shall not be construed to permit the amount of compensation on account of an employee's disability or death to be increased more than 10 percent if such injury (or injury causing death) occurred before January 1, 1958, but after December 31, 1950, nor more than 20 percent if such injury (or injury causing death) occurred before January 1, 1951, but after December 31, 1945, nor more than 30 percent if such injury (or injury causing death) occurred prior to January 1, 1946.

Liberalization of minimum and maximum compensation for emergency relief workers

SEC. 105. The second proviso of the first section of the Act approved February 15, 1934 (5 U.S.C. 196) is amended by striking out "\$100" in clause (a) and inserting in lieu thereof "\$150"; and by striking out "\$75" in clause (b) and inserting in lieu thereof "\$150".

TITLE II—TECHNICAL AMENDMENTS

Clarification of scheduled awards

SEC. 201. The first sentence of section 5(a) of the Federal Employees' Compensation Act is amended by inserting after "body," the following: "regardless of whether the cause of such disability originates in a part of the body other than such member,".

Eligibility for or receipt of benefits earned under Civil Service Retirement Act not to preclude payment of compensation for scheduled losses, election by claimants eligible to receive veterans' benefits for same disability or death

SEC. 202. Section 7(a) of the Federal Employees' Compensation Act is amended to read as follows:

"SEC. 7. (a) That as long as the employee is in receipt of compensation under this Act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States: *Provided*, That eligibility for or receipt of benefits under the Civil Service Retirement Act shall in no way impair the employee's right

to receive compensation for scheduled disabilities specified in section 5(a) of this Act: *Provided further*, That whenever any person is entitled to receive any benefits under this Act by reason of his injury, or by reason of the death of an employee, as defined in section 40, and is also entitled to receive from the United States any payments or benefits (other than the proceeds of any insurance policy), by reason of such injury or death under any other Act of Congress, because of service by him (or in the case of death, by the deceased) as an employee, as so defined, or because of service by him (or in the case of death, by the deceased) in the Armed Forces of the United States, such person shall elect which benefits he shall receive. Such election shall be made within one year after the injury or death, or such further time as the Administrator may for good cause allow, and when made shall be irrevocable unless otherwise provided by law."

Medical care to claimants receiving Civil Service annuity

SEC. 203. The first sentence of section 9(a) of the Federal Employees' Compensation Act is amended by inserting after "arisen," the following: "and notwithstanding that the employee has accepted or is entitled to receive benefits under the Civil Service Retirement Act,".

Considerations in computation of wage-earning capacity

SEC. 204. Section 13(b) of the Federal Employees' Compensation Act is amended by striking out all that follows "his usual employment," and inserting in lieu of such matter stricken out the following: "his age, his qualifications for other employment, the availability of suitable employment, and any other factors or circumstances in the case which may affect his capacity to earn wages in his disabled condition."

Notice of injury and claim for compensation in cases of latent disability

SEC. 205. Section 20 of the Federal Employees' Compensation Act is amended by inserting immediately after the first sentence thereof the following: "In cases of latent disability due to radiation or other causes, the time for filing claim shall not begin to run until the employee has a compensable disability and is aware, or by the exercise of reasonable diligence should have been aware of the causal relationship of the compensable disability to his employment: *Provided*, That the time for giving notice of injury in such cases shall begin to run as soon as the employee is aware, or in the exercise of reasonable diligence should have been aware, that his condition is causally related to his employment, regardless of whether or not there is a compensable disability."

Report of injuries

SEC. 206. Section 24 of the Federal Employees' Compensation Act is amended by inserting "(a)" after "Sec. 24." and by adding at the end thereof the following:

"(b) Whoever, being an officer or employee of the United States charged with the responsibility for making the reports specified in subsection (a), willfully fails, neglects, or refuses to make any such report or knowingly files a false report, or induces, compels, or directs an injured employee to forego filing of any claim for compensation or other benefits provided under this Act or any extension or application thereof, or willfully retains any notice, report, claim, or paper which is required to be filed under this Act or any extension or application thereof, or regulations promulgated thereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500 or imprisoned not more than one year, or both."

86TH CONGRESS
2D SESSION

H. R. 12759

IN THE SENATE OF THE UNITED STATES

JUNE 30, 1960

Read twice and referred to the Committee on Agriculture and Forestry

AN ACT

To amend title V of the Agricultural Act of 1949, as amended,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 509 of such Act, as amended, is amended by
4 striking "June 30, 1961" and inserting "June 30, 1963".

Passed the House of Representatives June 29, 1960.

Attest:

RALPH R. ROBERTS,

Clerk.

I

86TH CONGRESS
2D SESSION

H. R. 12759

AN ACT

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

JUNE 30, 1960

Read twice and referred to the Committee on
Agriculture and Forestry

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

CONTENTS

Issued
For actions of

Aug. 24, 1960
Aug. 23, 1960
86th-2d, No. 140

Acreage allotments.....	23
Appropriations.....	3,13,21
CCC.....	4
Claims.....	21
Farm labor.....	2
Farm program.....	27
Flood control.....	3
Foreign aid.....	3
Foreign currencies.....	3
Foreign service.....	9
Foreign trade.....	29,34
Grain.....	15
Grapes and plums.....	22
Great Plains.....	23
Hall of fame.....	24
Housing.....	10
Industrial uses.....	31
Insect control.....	32
Labor standards.....	14
Lands.....	3,6,7,20
Library services.....	30
Minerals.....	6,20,25

Nomination.....	4
Ocean freight.....	3
Old-age assistance.....	5
Personnel.....	9,17,26
Pesticides.....	26
Reclamation.....	3,19
Recreation.....	16,33
Research.....	7,12,15,31
Retirement.....	26
Small business.....	11
Small farms.....	3
Soil bank.....	32
Special assistance.....	3
Sugar.....	1
Surplus commodities.....	27,31
Tariffs.....	11
Technical cooperation.....	3
Transportation.....	18
Youth corps.....	3
Water.....	3
Watersheds.....	8,28
Wildlife.....	15,26

HIGHLIGHTS: Both Houses received President's message on sugar. Senate committee reported bill to extend Mexican farm labor program. Senate began debate on mutual security appropriation bill. Senate committee reported nomination of Stephens to be CCC Board member. House received conference report on State-Justice appropriation bill.

SENATE

1. SUGAR. Both Houses received the President's message requesting that the Sugar Act be extended beyond the present termination date of March 31, 1961, and requesting authority to purchase from any foreign countries without regard to allocation the additional 322,000 short tons of sugar which was allocated to the Dominican Republic under the July 1960 amendment of the Sugar Act; to S. Finance and H. Agriculture Committees. pp. 16015, 16039-40
2. FARM LABOR. The Agriculture and Forestry Committee reported with amendment H.R. 12759, to extend the Mexican farm labor program (p. 15924). The "Daily Digest" states that the bill was amended so as to provide for a 6-month extension of the program (p. D702). (S. Rept. 1901).
3. MUTUAL SECURITY APPROPRIATION BILL, 1961. Began debate on this bill H. R. 12619. Agreed to the committee amendments en bloc so that the bill as amended could be

considered as original text for purposes of further amendment. pp. 16015, 16017-8

As reported by the Appropriations Committee, the bill includes items as follows: Provides \$172 million for technical cooperation, \$256 million for special assistance, and \$2 million for payment of ocean freight charges to move supplies donated to and by U. S. voluntary agencies. Provides that none of the funds appropriated for Defense Support, the Development Loan Fund, Special Assistance, or the President's Special Authority and Contingency Fund shall be used to finance the construction of any new flood control, reclamation or other water or related land resource project or program which does not meet a feasibility ratio of related programs in the U. S. based on the engineering information available at the time the project is being considered. Deletes a House provision which would prohibit the use of any funds appropriated for loans in underdeveloped nations to associations of operators of small farms for the improvement of agricultural methods and techniques. Deletes a House provision which would prohibit the use of funds appropriated for a study of the need for a Point Four Youth Corps to train young people to serve abroad in programs of technical cooperation. Deletes a House provision directed against delays in providing documents at the request of GAO.

Regarding the use of foreign currencies for various programs, the committee report states as follows:

"Various provisions of law authorize the use of foreign currencies for special programs without charge to agency appropriations. In many countries this results in a reduction in currencies that might otherwise have been available to sell to agencies to meet their regular local expenses. This has the same effect on the Treasury as spending dollars for those specially authorized programs.

"It was proposed by the President in the budget for fiscal year 1961 that U. S. agency foreign currency programs be covered by appropriations commencing with fiscal year 1961. This change will not alter total appropriations or expenditures but will increase the appropriations of the agency using the currency so as to give an accurate figure and in the case of Public Law 480 foreign currencies decrease those of the Commodity Credit Corporation.

"The committee feels that the recommendations in this regard in the 1961 budget are sound and desirable and insofar as possible it is intended the committee will follow the procedure outlined in the budget."

4. NOMINATION. The Agriculture and Forestry Committee reported the nomination of Carl J. Stephens, General Counsel of the Department, to be a member of the Board of Directors of CCC. p. 15924
5. OLD-AGE ASSISTANCE. By a vote of 91 to 2, passed with amendments H. R. 12580, to provide Federal grants to States for medical care for aged individuals of low income. pp. 15936-56, 15963-16015
6. LANDS; MINERALS. The Interior and Insular Affairs Committee reported with amendments S. 1670, to provide for the granting of mineral rights in certain homestead lands in Alaska (S. Rept. 1905). p. 15924
7. LANDS; RESEARCH. The Agriculture and Forestry Committee reported with amendment S. 3339, to authorize the Secretary of Agriculture to transfer 160 acres of the present U. S. Beef Cattle Research Station at Fort Reno, Okla., to the Secretary of the Army for use as a national cemetery (S. Rept. 1902). p. 15924
8. WATERSHEDS. The Agriculture and Forestry Committee approved the following watershed projects; Kickapoo Creek, Tex., Leatherwood Creek, Va.; Long Marsh, Md.; and Timber Creek, Okla. p. D702

MEXICAN FARM LABOR

AUGUST 23 (legislative day, AUGUST 22), 1960.—Ordered to be printed

Mr. ELLENDER, from the Committee on Agriculture and Forestry,
submitted the following

R E P O R T

[To accompany H.R. 12759]

The Committee on Agriculture and Forestry, to whom was referred the bill (H.R. 12759) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, having considered the same, report thereon with a recommendation that it do pass with an amendment.

This bill, with the committee amendment, would extend for 6 months (until December 31, 1961), the act under which workers are brought into the United States from Mexico under the supervision of the Department of Labor, and pursuant to an international agreement with the Government of Mexico, to assist in seasonal farm operations in the United States.

This program has been in existence since 1951 with very slight modifications and has provided seasonal help to farmers without which many crops could not have been adequately harvested.

The present act expires on June 30, 1961, in the midst of the most active season of many crops dependent upon labor provided under the program. Its extension before the adjournment of this Congress is essential in order to permit farmers to make their 1961 production plans and obtain financing, where necessary, with assurance that labor to harvest their crops will be available. In many instances adequate financing would be impossible to obtain without this assurance.

The Department of Labor, in its report on the bill, recommended that because of a need for exploring proposals raised by a committee of consultants appointed by the Secretary of Labor, extension of the program should be deferred until next year. The Department of Agriculture believes that the program is satisfactory, and has reservations about any proposals which would substantially change the program, but also suggests that action be deferred. The committee therefore recommends that the program be extended only for 6 months at this time. This extension will provide assurance that workers will be available to harvest the 1961 crops and permit farmers to go ahead

with their plans now. It will also give the Departments of Labor and Agriculture time to resolve any differences they may have, and prepare and present any proposals they may believe appropriate. It should also allow proper consideration of such proposals, if any, by Congress.

DEPARTMENTAL VIEWS

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, August 13, 1960.

HON. ALLEN J. ELLENDER,
*Chairman, Committee on Agriculture and Forestry,
U.S. Senate, Washington, D.C.*

DEAR SENATOR ELLENDER: This is in further response to your request for our views on H.R. 12759, a bill to amend title V of the Agricultural Act of 1949, as amended, and for other purposes. The bill would extend the operation of the provisions of this act under which Mexican nationals are recruited for agricultural employment in the United States, beyond the present expiration date of June 30, 1961, to June 30, 1963.

The Department of Labor is concerned that the continued wide-scale use of Mexican nationals, approximately 450,000 annually, in agricultural employment in this country may not be in the best interests of U.S. agricultural workers and employers. For this reason, Secretary Mitchell in 1959 appointed a group of four prominent persons of varying points of view to make an independent study of the Mexican labor program. There is attached a copy of the report submitted by this committee of consultants as a result of their study and investigation of the program. The consultants reached the unanimous conclusion that there are indications that in some cases the use of Mexican workers is having an adverse effect upon the wages, working conditions, and employment opportunities of our own agricultural workers. Accordingly, they recommended no extension of these provisions unless remedial amendments are adopted.

On the basis of evidence available to it, the Department of Labor subscribes to this general conclusion of the consultants. Because of the need for exploring carefully questions raised with respect to specific proposals to strengthen the program in the best interests of U.S. farmworkers and employers, we recommend that no action be taken to extend the present provisions of the law during this session of Congress. The program does not expire until June 30, 1961, so that full consideration can be given to the matter in the next Congress.

The Bureau of the Budget advises that it has no objection to the submission of this report.

Sincerely yours,

JAMES T. MITCHELL, *Secretary of Labor.*

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., August 16, 1960.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR SENATOR ELLENDER: This is in reply to your request of June 20, 1960, for a report on S. 3666 and your request of July 1, 1960, for a report on H.R. 12759, bills relating to continuation of the Mexican farm labor program as authorized in title V of the Agricultural Act of 1949, as amended. H.R. 12759, which has been passed by the House, would merely extend this title for 2 years. S. 3666 would also extend this title for 2 years; in addition, it would amend several sections of the present law.

This Department believes it desirable to extend this title prior to its expiration on June 30, 1961. However, in the circumstances, it is believed preferable to delay action until the next Congress. Title V of the Agricultural Act of 1949, as amended (Public Law 78) was initially enacted in 1951. Its two basic objectives are (1) to provide a source of labor from Mexico to supplement inadequate supplies of domestic workers for seasonal farm employment in the United States, and (2) to legalize and control illegal entry of Mexican nationals into the United States for farmwork.

However, this Department believes that the current law is accomplishing the two basic objectives set forth above. The current provisions of this title are based on experiences and the judgment of farm employers, workers, and the representatives of the two Governments concerned which have resulted from several years of operation of the program.

It is our opinion that the present law provides ample authority at this time to assure that the employment of Mexican nationals does not adversely affect working conditions of domestic agricultural workers. In any event, there does not appear to be time, during the remainder of the current session, for adequate consideration of proposals to change the present law. If it is the intention to consider such amendments at this time, we would have grave reservations about any proposal which would substantially change the present program.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

AGRICULTURAL ACT OF 1949

* * * * *

TITLE V—AGRICULTURAL WORKERS

SEC. 501. For the purpose of assisting in such production of agricultural commodities and products as the Secretary of Agriculture deems necessary, by supplying agricultural workers from the Republic of Mexico (pursuant to arrangements between the United States and the Republic of Mexico or after every practicable effort has been made by the United States to negotiate and reach agreement on such arrangements), the Secretary of Labor is authorized—

(1) to recruit such workers (including any such workers who have resided in the United States for the preceding five years, or who are temporarily in the United States under legal entry);

(2) to establish and operate reception centers at or near the places of actual entry of such workers into the continental United States for the purpose of receiving and housing such workers while arrangements are being made for their employment in, or departure from, the continental United States;

(3) to provide transportation for such workers from recruitment centers outside the continental United States to such reception centers and transportation from such reception centers to such recruitment centers after termination of employment;

(4) to provide such workers with such subsistence, emergency medical care, and burial expenses (not exceeding \$150 burial expenses in any one case) as may be or become necessary during transportation authorized by paragraph (3) and while such workers are at reception centers;

(5) to assist such workers and employers in negotiating contracts for agricultural employment (such workers being free to accept or decline agricultural employment with any eligible employer and to choose the type of agricultural employment they desire, and eligible employers being free to offer agricultural employment to any workers of their choice not under contract to other employers);

(6) to guarantee the performance by employers of provisions of such contracts relating to the payment of wages or the furnishing of transportation.

SEC. 502. No workers shall be made available under this title to any employer unless such employer enters into an agreement with the United States—

(1) to indemnify the United States against loss by reason of its guaranty of such employer's contracts;

(2) to reimburse the United States for essential expenses, not including salaries or expenses of regular department or agency personnel, incurred by it for the transportation and subsistence of workers under this title in amounts not to exceed \$15 per worker; and

(3) to pay to the United States, in any case in which a worker is not returned to the reception center in accordance with the contract entered into under section 501(5), an amount determined by the Secretary of Labor to be equivalent to the normal cost to the employer of returning other workers from the place of em-

ployment to such reception center, less any portion thereof required to be paid by other employers: *Provided, however,* That if the employer can establish to the satisfaction of the Secretary of Labor that the employer has provided or paid to the worker the cost of return transportation and subsistence from the place of employment to the appropriate reception center, the Secretary under such regulations as he may prescribe may relieve the employer of his obligation to the United States under this subsection.

SEC. 503. No worker recruited under this title shall be available for employment in any area unless the Secretary of Labor has determined and certified that (1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed, (2) the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed, and (3) reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers. In carrying out the provisions of (1) and (2) of this section, provision shall be made for consultation with agricultural employers and workers for the purpose of obtaining facts relevant to the supply of domestic farmworkers and the wages paid such workers engaged in similar employment. Information with respect to certifications under (1) and (2) shall be posted in the appropriate local public employment offices and such other public places as the Secretary may require.

SEC. 504. Workers recruited under this title who are not citizens of the United States shall be admitted to the United States subject to the immigration laws (or if already in, for not less than the preceding five years or by virtue of legal entry, and otherwise eligible for admission to, the United States may, pursuant to arrangements between the United States and the Republic of Mexico, be permitted to remain therein) for such time and under such conditions as may be specified by the Attorney General but, notwithstanding any other provision of law or regulation, no penalty bond shall be required which imposes liability upon any person for the failure of any such worker to depart from the United States upon termination of employment: *Provided,* That no workers shall be made available under this title to, nor shall any workers made available under this title be permitted to remain in the employ of, any employer who has in his employ any Mexican alien when such employer knows or has reasonable grounds to believe or suspect or by reasonable inquiry could have ascertained that such Mexican alien is not lawfully within the United States.

SEC. 505. (a) Section 210(a)(1) of the Social Security Act, as amended, is amended by adding at the end thereof a new subparagraph as follows:

“(C) Service performed by foreign agricultural workers under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended.”

(b) Section 1426(b)(1) of the Internal Revenue Code, as amended, is amended by adding at the end thereof a new subparagraph as follows:

“(C) Service performed by foreign agricultural workers under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended.”

(c) Workers recruited under the provisions of this title shall not be subject to the head tax levied under section 2 of the Immigration Act of 1917 (8 U.S.C., sec. 132).

SEC. 506. For the purposes of this title, the Secretary of Labor is authorized—

(1) to enter into agreements with Federal and State agencies; to utilize (pursuant to such agreements) the facilities and services of such agencies; and to allocate or transfer funds or otherwise to pay or reimburse such agencies for expenses in connection therewith;

(2) to accept and utilize voluntary and uncompensated services; and

(3) when necessary to supplement the domestic agricultural labor force, to cooperate with the Secretary of State in negotiating and carrying out agreements or arrangements relating to the employment in the United States, subject to the immigration laws, of agricultural workers from the Republic of Mexico.

SEC. 507. For the purposes of this title—

(1) The term “agricultural employment” includes services or activities included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938, as amended, or section 1426(h) of the Internal Revenue Code, as amended, horticultural employment, cotton ginning, compressing and storing, crushing of oil seeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonable agricultural products.

(2) The term “employer” shall include an association, or other group, of employers, but only if (A) those of its members for whom workers are being obtained are bound, in the event of its default, to carry out the obligations undertaken by it pursuant to section 502, or (B) the Secretary determines that such individual liability is not necessary to assure performance of such obligations.

SEC. 508. Nothing in this Act shall be construed as limiting the authority of the Attorney General, pursuant to the general immigration laws, to permit the importation of aliens of any nationality for agricultural employment as defined in section 507, or to permit any such alien who entered the United States legally to remain for the purpose of engaging in such agricultural employment under such conditions and for such time as he, the Attorney General, shall specify.

SEC. 509. No workers will be made available under this title for employment after **[June 30, 1961]** *December 31, 1961.*



Calendar No. 1971

86TH CONGRESS
2^D SESSION

H. R. 12759

[Report No. 1901]

IN THE SENATE OF THE UNITED STATES

JUNE 30, 1960

Read twice and referred to the Committee on Agriculture and Forestry

AUGUST 23 (legislative day, AUGUST 22), 1960

Reported by Mr. ELLENDER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To amend title V of the Agricultural Act of 1949, as amended,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~That section 509 of such Act, as amended, is amended by~~
4 ~~striking "June 30, 1961" and inserting "June 30, 1963".~~
5 *That section 509 of the Agricultural Act of 1949, as amended,*
6 *is amended by striking "June 30, 1961" and inserting "De-*
7 *cember 31, 1961."*

Passed the House of Representatives June 29, 1960.

Attest:

RALPH R. ROBERTS,

Clerk.

Calendar No. 1971

86TH CONGRESS
2D SESSION

H. R. 12759

[Report No. 1901]

AN ACT

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

JUNE 30, 1960

Read twice and referred to the Committee on
Agriculture and Forestry

AUGUST 23 (legislative day, AUGUST 22), 1960

Reported with an amendment

Calendar No. 1971

86TH CONGRESS
2D SESSION

H. R. 12759

IN THE SENATE OF THE UNITED STATES

AUGUST 24, 1960

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. CASE of South Dakota to the bill (H.R. 12759) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, viz: Following the text of H.R. 12759 add new titles reading as follows:

1 TITLE II—PRICE SUPPORT AND ALLOTMENTS

2 SEC. 201. Title I of the Agricultural Act of 1949, as
3 amended, is amended by adding the following new sections:

4 "SEC. 107. (a) Notwithstanding the provisions of sec-
5 tion 101 of this Act, for each of the 1961, 1962, and 1963
6 crops of wheat price support shall be made available as pro-
7 vided in this section. The support price for each such crop
8 shall be 77 per centum of the parity price therefor. Price
9 support under the foregoing provision of this section shall be

1 made available only to cooperators, only in the commercial
2 wheat-producing area, and only if producers have not dis-
3 approved marketing quotas for the crop. In case marketing
4 quotas are disapproved, price support to cooperators shall be
5 as provided in section 101 (d) (3).

6 “(b) If marketing quotas are in effect for the particular
7 crop of wheat, wheat of any such crop, and any other com-
8 modity produced on a farm to which a wheat marketing quota
9 is applicable and in the calendar year in which wheat of any
10 such crop is normally harvested, shall be eligible for price
11 support only if—

12 “(1) the farm is in compliance with the farm wheat
13 acreage allotment for such crop;

14 “(2) the total acreage on the farm devoted to the
15 production of nonconserving crops as determined by the
16 Secretary which would normally be harvested in the
17 calendar year in which such wheat crop is normally
18 harvested does not exceed the total average annual acre-
19 age on the farm devoted to the production of such non-
20 conserving crops for harvest in 1958 and 1959, less an
21 acreage equal to 22 per centum of the farm acreage
22 allotment for such crop of wheat which would be in
23 effect for the farm except for the reduction thereof as
24 provided in section 334 (c) (2) of the Agricultural Ad-
25 justment Act of 1938, as amended; and

1 “(3) the producers on the farm in accordance with
2 regulations prescribed by the Secretary—

3 “(i) designate an acreage on the farm equal
4 to the 22 per centum reduction in the farm acreage
5 allotment required under section 334 (c) (2) of the
6 Agricultural Adjustment Act of 1938, as amended,
7 for the particular crop of wheat, and

8 “(ii) do not produce any crop thereon which is
9 normally harvested in the calendar year in which
10 the particular crop of wheat is normally harvested
11 and do not graze such acreage during such year.

12 A farm shall be deemed in compliance with the require-
13 ments of clauses (1) and (2) if no crop not subject to acre-
14 age allotments is produced on the farm for harvest, and the
15 farm is in compliance with the farm acreage allotments. In
16 accordance with regulations prescribed by the Secretary, the
17 acreage of such nonconserving crops for harvest in 1958 and
18 1959 may be adjusted to the extent the Secretary deter-
19 mines appropriate for abnormal weather conditions, estab-
20 lished crop rotation practices for the farm, changes in the con-
21 stitution of the farm, participation in soil bank or Great Plains
22 programs, or to give effect to the provisions of law relating
23 to release and reapportionment or preservation of history,
24 and such other factors as the Secretary may deem appropri-
25 ate. For the purposes of eligibility for price support a pro-

1 ducer shall not be deemed to have violated any of the fore-
2 going conditions unless the producer knowingly violated such
3 conditions, but the Secretary may provide by regulation for
4 adjusting any payment in kind under subsection (c) or (d)
5 on account of any violation of any such condition or any
6 other condition of eligibility for such payment. For the
7 purposes of this section a wheat marketing quota shall not
8 be deemed to be applicable to any farm exempt from wheat
9 marketing quotas under item (7) of Public Law 74,
10 Seventy-seventh Congress, as amended (7 U.S.C. 1340 (7))
11 or exempt from wheat marketing penalties under section
12 335 (f) of the Agricultural Adjustment Act of 1938, as
13 amended (7 U.S.C. 1335 (f)).

14 “(c) Producers of wheat meeting the foregoing condi-
15 tions of eligibility for price support for any calendar year
16 shall be entitled for such year to a wheat payment in kind
17 from Commodity Credit Corporation stocks equal in value to
18 55 per centum of the average annual yield in bushels of wheat
19 per harvested acre on the farm for the three years immedi-
20 ately preceding the year for which the designation is made;
21 adjusted for abnormal weather conditions and as determined
22 under regulations prescribed by the Secretary multiplied
23 by the number of designated acres. Such wheat may be
24 marketed without penalty but shall not be eligible for price
25 support. The payment in kind shall be made by the issuance

1 of a negotiable certificate which Commodity Credit Cor-
 2 poration shall redeem in wheat equal in value to the value
 3 of the certificate. The certificate shall have a value equal
 4 to the number of bushels determined as aforesaid multi-
 5 plied by the basic county support rate per bushel for number
 6 one wheat of the crop normally harvested in the year for
 7 which the acreage is designated and for the county in which
 8 the designated acreage is located. The wheat redeemable
 9 for such certificate shall be valued at the market price thereof
 10 as determined by Commodity Credit Corporation. The Sec-
 11 retary shall provide by regulation for the sharing of a cer-
 12 tificate among producers on the farm on a fair and equitable
 13 basis. The acreage designated under this section shall be
 14 in addition to any acreage devoted to the conservation re-
 15 serve program.

16 “(d) If marketing quotas are in effect for the 1961
 17 crop of wheat and the producers on the farm agree to meet
 18 the requirements of subsection (b) for 1961, 1962, and
 19 1963, and, in accordance with regulations prescribed by the
 20 Secretary—

21 “(1) designate an acreage on the farm equal to not
 22 less than 22 per centum nor more than 100 per centum
 23 of the acreage allotment which would be in effect for
 24 the farm for the 1961 crop of wheat except for the reduc-
 25 tion thereof as provided in section 334 (c) (2) of the

1 Agricultural Adjustment Act of 1938, as amended, and
2 do not produce any crop thereon which is normally har-
3 vested in the calendar years 1961, 1962, and 1963 and
4 do not graze such acreage during such years, but devote
5 such acreage to soil and water conserving uses;

6 “(2) reduce by the number of acres so designated
7 the acreage of wheat on the farm in each such year
8 below the acreage allotment which would be in effect for
9 the farm for such year except for the reduction thereof as
10 provided in section 334 (c) (2) of the Agricultural Ad-
11 justment Act of 1938, as amended; and

12 “(3) reduce by the number of acres so designated
13 the acreage of nonconserving crops on the farm in each
14 such calendar year below the average annual acreage on
15 the farm devoted to the production of such nonconserv-
16 ing crops for harvest for 1958 and 1959 adjusted as pro-
17 vided in subsection (b),

18 such producers shall be entitled to a wheat payment in kind,
19 in lieu of the payment provided by subsection (c), for each
20 such year from Commodity Credit Corporation stocks equal
21 in value to 55 per centum of the average annual yield in
22 bushels of wheat per harvested acre on the farm for the three
23 years 1958 through 1960, adjusted for abnormal weather
24 conditions and as determined under regulations prescribed by
25 the Secretary, multiplied by the number of designated acres.

1 Such wheat may be marketed without penalty but shall not
2 be eligible for price support. The payment in kind shall be
3 made by the issuance of a negotiable certificate which Com-
4 modity Credit Corporation shall redeem in wheat equal in
5 value to the value of the certificate. The certificate shall
6 have a value equal to the number of bushels determined as
7 aforesaid multiplied by the basic county support rate per
8 bushel for number one wheat of the crop normally harvested
9 in the year for which the payment is made and for the
10 county in which the designated acreage is located. The
11 wheat redeemable for such certificate shall be valued at
12 the market price thereof as determined by Commodity
13 Credit Corporation. The Secretary shall provide by regu-
14 lation for the sharing of a certificate among producers on
15 the farm on a fair and equitable basis. The share of any
16 producer in certificates issued under this subsection with
17 respect to any year and with respect to all farms in which
18 he has an interest, based on the face value of the certificates,
19 shall not exceed the greater of (1) \$10,000, or (2) such
20 producer's share of payments made under this subsection
21 for acreage required to be designated either in 1961 or in
22 such year as a condition of price support. If such producers
23 fail to comply with the requirements of this subsection for all
24 or any part of the three year period, such producers shall for-
25 feit or refund in cash all or such part of the payments pro-

1. provided for by this subsection as the Secretary determines to
 2. be fair and equitable and prescribes by regulation. The acre-
 3. age on any farm which is determined under regulations of the
 4. Secretary to have been diverted from the production of wheat
 5. by reason of designation under this subsection shall be con-
 6. sidered acreage devoted to wheat for the purposes of establish-
 7. ing future State, county, and farm acreage allotments under
 8. the Agricultural Adjustment Act of 1938, as amended. In
 9. applying the provisions of paragraph (6) of Public Law 74,
 10. Seventy-seventh Congress (7 U.S.C. 1340 (6)), and sec-
 11. tion 326 (b) of the Agricultural Adjustment Act of 1938, as
 12. amended (7 U.S.C. 1326 (b)), relating to reduction of the
 13. storage amount of wheat that part of the acreage designated
 14. under this subsection in excess of the 22 per centum reduc-
 15. tion required under section 334 (c) (2) of the Agricultural
 16. Adjustment Act of 1938 on any farm shall be regarded as
 17. wheat acreage on the farm of normal production as that term
 18. is defined in section 301 (b) (9) of the Agricultural Adjust-
 19. ment Act of 1938, as amended (7 U.S.C. 1301 (b) (9)).
 20. "SEC. 108. Notwithstanding the provisions of section
 21. 101 or 107 of this Act or any provision of the Agricultural
 22. Adjustment Act of 1938, if marketing quotas are disapproved
 23. for the 1961 crop of wheat, the level of price support to co-
 24. operators and noncooperators for the 1961 crop and each
 25. subsequent crop of wheat shall be 50 per centum of the parity

1 price of wheat and no national marketing quota or acreage
 2 allotment shall be proclaimed with respect to any subsequent
 3 crop of wheat: *Provided*, That if price support at 50 per
 4 centum of the parity price is in effect under this section, the
 5 current price support for wheat, for the purposes of section
 6 407 of the Agricultural Act of 1949, as amended, shall be
 7 determined on the basis of a price support level for wheat of
 8 77 per centum of the parity price therefor.” 3

9 SEC. 202. (a) Item (1) of Public Law 74, Seventy-
 10 seventh Congress, as amended, is amended, effective begin-
 11 ning with the 1961 crop of wheat, to read as follows:

12 “(1) If a national marketing quota for wheat is in
 13 effect for any marketing year, farm marketing quotas shall
 14 be in effect for the crop of wheat which is normally har-
 15 vested in the calendar year in which such marketing year
 16 begins. The farm marketing quota for any crop of wheat
 17 shall be the actual production of the acreage planted to such
 18 crop of wheat on the farm less the farm marketing excess.
 19 The farm marketing excess shall be an amount equal to
 20 double the normal yield of wheat per acre established for
 21 the farm multiplied by the number of acres planted to such
 22 crop of wheat on the farm in excess of the farm acreage allot-
 23 ment for such crop unless the producer, in accordance with
 24 regulations prescribed by the Secretary and within the time

1 prescribed therein, establishes to the satisfaction of the Sec-
2 retary the actual production of such crop of wheat on the
3 farm. If such actual production is so established the farm
4 marketing excess shall be such actual production less the
5 actual production of the farm wheat acreage allotment.
6 Actual production of the farm wheat acreage allotment shall
7 mean the actual average yield per harvested acre of wheat
8 on the farm multiplied by the number of acres constituting
9 the farm acreage allotment. In determining the actual
10 average yield per harvested acre of wheat and the actual
11 production of wheat on the farm any acreage utilized for
12 feed without threshing after the wheat is headed, or avail-
13 able for such utilization at the time the actual production is
14 determined, shall be considered harvested acreage and the
15 production thereof in terms of grain shall be appraised in
16 accordance with regulations prescribed by the Secretary and
17 such production included in the actual production of wheat
18 on the farm. The acreage planted to wheat on a farm
19 shall include all acreage planted to wheat for any purpose
20 and self-seeded (volunteer) wheat, but shall not include
21 any acreage that is disposed of prior to harvest in accord-
22 ance with regulations prescribed by the Secretary."

23 (b) Item (2) of Public Law 74, Seventy-seventh Con-
24 gress, as amended, is amended, effective beginning with the
25 1961 crop of wheat, to read as follows:

1 “(2) During any marketing year for which quotas are
2 in effect, the producer shall be subject to a penalty on the
3 farm marketing excess of wheat. The rate of the penalty
4 shall be 65 per centum of the parity price per bushel of wheat
5 as of May 1 of the calendar year in which the crop is
6 harvested.”

7 (c) Item (3) of Public Law 74, Seventy-seventh Con-
8 gress, as amended, is amended, effective beginning with the
9 1961 crop of wheat, to read as follows:

10 “(3) The farm marketing excess for wheat shall be
11 regarded as available for marketing, and the penalty and the
12 storage amount or amounts of wheat to be delivered to the
13 Secretary shall be computed upon double the normal pro-
14 duction of the excess acreage. If the farm marketing excess
15 so computed is adjusted downward on the basis of actual
16 production, the difference between the amount of the penalty
17 or storage computed on the basis of double the normal pro-
18 duction and as computed on actual production shall be re-
19 turned to or allowed the producer or a corresponding adjust-
20 ment made in the amount to be delivered to the Secretary
21 if the producer elects to make such delivery. The Secretary
22 shall issue regulations under which the farm marketing
23 excess of wheat for the farm shall be stored or delivered to
24 him. Upon failure to store, or deliver to the Secretary, the
25 farm marketing excess within such time as may be deter-

1 mined under regulations prescribed by the Secretary the
2 penalty computed as aforesaid shall be paid by the producer.
3 Any wheat delivered to the Secretary hereunder shall be-
4 come the property of the United States and shall be disposed
5 of by the Secretary for relief purposes in the United States
6 or foreign countries or in such other manner as he shall
7 determine will divert it from the normal channels of trade
8 and commerce.”

9 (d) Item (7) of Public Law 74, Seventy-seventh Con-
10 gress, as amended (7 U.S.C. 1340 (7)), is amended to
11 read as follows:

12 “(7) A farm marketing quota on any crop of wheat shall
13 not be applicable to any farm on which the acreage planted
14 to wheat for such crop does not exceed fifteen acres: *Pro-*
15 *vided, however,* That a farm marketing quota on the 1961
16 and subsequent crops of wheat shall be applicable to—

17 “(i) any farm on which the acreage of wheat ex-
18 ceeds the smaller of (1) twelve acres or (2) the highest
19 number of acres planted to wheat on the farm for harvest
20 in the calendar years 1956, 1957, 1958, 1959, or 1960;
21 and

22 “(ii) any farm on which any wheat is planted
23 if any of the producers who share in the wheat produced
24 on such farm share in the wheat produced on any other
25 farm.”

(e) Item (12 of Public Law 74, Seventy-seventh Congress, as amended (7 U.S.C. 1340 (12)), is repealed, effective beginning with the 1961 crop of wheat.

(f) Section 326 (b) of the Agricultural Adjustment Act of 1938, as amended, is amended, effective beginning with the 1961 crop of wheat, to read as follows:

“(b) If a farm is in compliance with its farm acreage allotment for any crop of wheat and the actual production of such crop of wheat on the farm is less than the normal production of the farm wheat acreage allotment, an amount equal to the deficiency may be marketed without penalty from wheat of previous crops stored by the producers on the farm to postpone the payment of marketing quota penalties.”

SEC. 203. The Agricultural Adjustment Act of 1938, as amended, is amended as follows:

(a) Section 334 is amended by inserting “(1)” after “(c)” and adding a new subparagraph (2) following subparagraph (c) (1) to read as follows:

“(2) Notwithstanding any other provision of law, each old or new farm acreage allotment for the 1961 and subsequent crops of wheat as determined on the basis of a minimum national acreage allotment of fifty-five million acres shall be reduced by 22 per centum. In the event notices of farm acreage allotments for the 1961 crop of wheat have been mailed to farm operators prior to the effective date of

1 this subparagraph (2) new notices showing the required
2 reduction shall be mailed to farm operators as soon as prac-
3 ticable.”

4 (b) Section 334 (e) is amended to read as follows:

5 “(e) If, with respect to any crop of wheat, the Secretary
6 determines that the production of any kind of wheat will be
7 inadequate to provide a sufficient quantity of that kind of
8 wheat to satisfy the demand therefor, the wheat acreage allot-
9 ment (and the number of acres which may be planted under
10 item (7) (i) of Public Law 74, Seventy-seventh Congress,
11 without making a farm marketing quota applicable to the
12 farm) for such crop for each farm located in a county which
13 has produced such wheat for commercial food products during
14 one or more of the five years immediately preceding the year
15 in which such crop is harvested, shall be increased by such
16 uniform percentage as he deems necessary to provide for such
17 quantity. No increase shall be made under this subsection in
18 the wheat acreage allotment of any farm (or in the acreage
19 which may be planted without making a farm marketing
20 quota applicable to the farm) for any crop if any kind of
21 wheat other than that for which the increase is made is
22 planted on such farm for such crop. Any increases in wheat
23 acreage allotments authorized by this subsection shall be in

1 addition to the National, State, and county wheat acreage
2 allotments, and such increases shall not be considered in
3 establishing future State, county, and farm allotments. The
4 provisions of paragraph (6) of Public Law 74, Seventy-
5 seventh Congress (7 U.S.C. 1340 (6)), and section 326 (b)
6 of this Act, relating to the reduction of the storage amount
7 of wheat shall apply to the allotment for the farm established
8 without regard to this subsection and not to the increased
9 allotment under this subsection, except that any farm in com-
10 pliance with its increased allotment under this subsection shall
11 be considered in compliance with its farm acreage allot-
12 ment for the purposes of said section 326 (b). Any farm
13 receiving an increased allotment under this subsection shall
14 be excused from complying with clauses (2) and (3) of sec-
15 tion 107 (b) of the Agricultural Act of 1949 to the extent
16 deemed appropriate by the Secretary to provide for the in-
17 crease in allotment under this subsection, and no farm on
18 which acreage is designated pursuant to section 107 (b) (3)
19 or 107 (d) of the Agricultural Act of 1949 in a greater
20 amount than required as a condition of price support for
21 any crop shall be eligible for an increased allotment under
22 this subsection for such crop.”

23 (c) Subsection (f) of section 335 is amended by strik-

1 ing out the semicolon at the end of item (1) and adding "and
2 shall not apply to other farms with respect to the 1961 and
3 subsequent crops;".

4 (d) Section 336 is amended to read as follows:

5 "SEC. 336. Between the date of issuance of any procla-
6 mation of any national marketing quota for wheat and July
7 25 of the year in which the proclamation is made the Sec-
8 retary shall conduct a referendum by secret ballot to deter-
9 mine whether farmers favor or oppose such quota. Farmers
10 eligible to vote in such referendum shall be farmers who were
11 engaged in the production of the crop of wheat normally
12 harvested in the calendar year immediately preceding the
13 calendar year in which the referendum is held on a farm in
14 the commercial wheat-producing area for such crop and
15 on which more than twelve acres was planted to wheat of
16 such crop if such crop was the 1961, 1962, or 1963 crop,
17 or on which more than fifteen acres was planted to wheat
18 of such crop if such crop was any crop other than the 1961,
19 1962, or 1963 crop. Any acreage considered as being
20 devoted to wheat in establishing future allotments under
21 applicable provisions of law shall be considered as wheat-
22 producing acreage for the purpose of determining eligibility
23 to vote. If the Secretary determines that more than one-
24 third of the farmers voting in the referendum oppose such

1 quota he shall prior to the effective date of such quota by
2 proclamation suspend the operation of the national marketing
3 quotas with respect to wheat.”

4 (e) Section 362 is amended by deleting the second sen-
5 tence thereof.

6 (f) Subsections (b) and (c) of section 335 are hereby
7 repealed and subsection (d) of said section is repealed effec-
8 tive beginning with the 1961 crop of wheat.

9 (g) The first proviso of section 377 is amended by strik-
10 ing out “*Provided, That beginning with the 1960 crop*” and
11 inserting in lieu thereof “*Provided, That beginning with the*
12 *1964 crop in the case of wheat and the 1960 crop in the*
13 *case of any other commodity*”.

14 SEC. 204. Section 101 (d) of the Agricultural Act of
15 1949, as amended, is amended by—

16 (A) striking out paragraph (5) ; and

17 (B) amending paragraph (7) to read as follows:

18 “(7) No price support shall be made available for any
19 crop of wheat for which acreage allotments are not in effect
20 and no price support shall be made available for any crop
21 of wheat in any State designated under section 335 (e) of
22 the Agricultural Adjustment Act of 1938, as amended, as
23 outside the commercial wheat-producing area for such
24 crop.”.

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1 allotments or marketing quotas in order to carry out
2 any contract heretofore or hereafter entered into under
3 the program or in order to maintain, for such period
4 after the expiration of the contract as is equal to the
5 period of the contract, any change in land use from
6 cultivated cropland to permanent vegetation carried out
7 under the contract shall be considered acreage devoted
8 to the commodity for the purposes of establishing future
9 State, county, and farm acreage allotments under the
10 Agricultural Adjustment Act of 1938, as amended;”.

AMENDMENT

Intended to be proposed by Mr. CASE of South Dakota to the bill (H.R. 12759) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

AUGUST 24, 1960

Ordered to lie on the table and to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

Issued Aug. 26, 1960
For actions of Aug. 25, 1960
86th-2d, No. 142

CONTENTS

Allotments.....	12
Animal imports.....	5
Appropriations.....	18,22
Civil defense.....	16
Commodity loans.....	21
Conservation payments....	4
Contracts.....	17
Copyrights.....	6
Development Loan Fund...	40
Family farm.....	38
Farm labor.....	8
Farm program.....	14,30,33
Feed grains.....	41
Foreign aid.....	22,25,40
Foreign service.....	28
Foreign trade.....	32
Forest highways.....	15
Forestry.....	1
Health.....	20
Imports.....	13,34
Labor standards.....	19
Lands.....	2,7,26
Loans.....	17,21

Milk marketing.....	42
Minerals.....	7
Old-age assistance.....	23
Personnel.....	3
Poultry research.....	38
Property.....	39
Public debt.....	31
Public works.....	15
Reclamation.....	24
Research.....	9,29,38
Retirement.....	3
Science.....	37
Small business.....	17
Small farmers.....	22
Soil bank.....	36
Sugar.....	10,43
Surplus commodities.....	9
Technical cooperation...	22
Textiles.....	34
Youth corps.....	22
Water resources.....	11,35
Watersheds.....	15,27

HIGHLIGHTS: House received conference report on mutual security appropriation bill. House agreed to conference report on Labor-HEW appropriation bill. Sens. Morse, Clark, and Keating endorsed President's proposal on sugar.

SENATE

1. FORESTRY. Passed without amendment H. R. 9377, to provide for the protection of forest cover for reservoir areas under the jurisdiction of the Secretary of the Army. This bill will now be sent to the President. p. 16358

Sen. Humphrey urged preservation of wilderness areas, and inserted a newspaper article describing the recreational opportunities of northern Minn., particularly the Quentico-Superior canoe region. pp. 16379-80

2. LANDS. Passed without amendment H. R. 900, to provide that 75 percent of all moneys derived by the U. S. from certain recreation activities in connection with lands acquired for flood control and other purposes shall be paid to the States. This bill will now be sent to the President. p. 16358

Passed as reported S. 3339, to authorize the Secretary of Agriculture to transfer 160 acres of the present U. S. Beef Cattle Research Station at Fort Reno, Okla., to the Secretary of the Army for use as a national cemetery. p. 16368

3. PERSONNEL. Passed as reported H. R. 8289, to accelerate the commencing date of civil service retirement annuities to the day after an employee retires rather than the month after he retires. p. 16362
4. CONSERVATION PAYMENTS. Passed without amendment S. 2761, to validate certain payments for farmers for emergency conservation work in Oregon which the Comptroller General has held were not authorized by the Third Supplemental Appropriation Act of 1957, inasmuch as the conservation practices were performed prior to its enactment. p. 16362
5. ANIMAL IMPORTS. Passed without amendment H. R. 10598, to amend and clarify certain provisions of the Criminal Code so as to reduce the hazards arising from the importation of injurious wild animals, to curtail traffic in such species, and to define types of wild animals and methods of transportation to which the code applies. This bill will now be sent to the President. p. 16366
6. COPYRIGHTS. Passed as reported H. R. 4059, to amend title 28 of the U. S. Code so as to protect copyrights from Government infringement by waiving the sovereign immunity of the U. S. for infringement of copyrights. p. 16367
7. MINERALS; LANDS. Passed as reported S. 1670, to provide for the granting of mineral rights in certain homestead lands in Alaska. p. 16369
8. FARM LABOR. Passed over, at the request of Sen. Bartlett, H. R. 12759, to extend the Mexican farm labor program. p. 16368
9. RESEARCH; SURPLUS COMMODITIES. Sen. Mundt was appointed to replace Sen. Hickenlooper as a conferee on S. 690, the industrial-uses research bill. p. 16381
10. SUGAR. Sen. Morse spoke in support of the President's message requesting authority to purchase from other countries 322,000 short tons of sugar which has been allocated to the Dominican Republic, stating that "it is imperative that the Department of Agriculture be relieved of its present obligation to buy sugar from the Dominican Republic" and that "the assignment of quotas in the existing Sugar Act was completely out of line with the political policy the United States has been trying to establish with our neighbors of the Western Hemisphere." Sens. Clark and Keating commended Sen. Morse's statement. pp. 16425-7
Received from this Department a proposed bill to amend and extend the Sugar Act of 1943; to Finance Committee. p. 16332
11. WATER RESOURCES. Passed without amendment S. 3625, to establish a Wabash Basin Interagency Water Resources Commission for the coordination of Federal, State, and local plans for development of water and related resources in the Wabash Basin. pp. 16302-6
12. ALLOTMENTS. Received from this Department a letter reporting on four over-obligations of allotments in the Forest Service. p. 16332
13. IMPORTS. The Finance Committee reported without amendment H. R. 12659, to suspend for a temporary period the import duty on heptanoic acid (S. Rept. 1913). p. 16333

EDOUARD E. PERRET

The bill (H.R. 11460) for the relief of Edouard E. Perret was considered, ordered to a third reading, read the third time, and passed.

CLAUDE L. WIMBERLY

The bill (H.R. 12475) for the relief of Claude L. Wimberly was considered, ordered to a third reading, read the third time, and passed.

RICHARD J. POWER

The bill (H.R. 11486) for the relief of Richard J. Power was considered, ordered to a third reading, read the third time, and passed.

CAPT. LUCIEN B. CLARK, U.S. ARMY

The bill (H.R. 12471) for the relief of Capt. Lucien B. Clark, U.S. Army, was considered, ordered to a third reading, read the third time, and passed.

JOHN H. ESTERLINE

The bill (H.R. 12476) for the relief of John H. Esterline was considered, ordered to a third reading, read the third time, and passed.

REFERENCE TO THE COURT OF CLAIMS OF SENATE BILL 3199

The resolution (S. Res. 288) to refer to the Court of Claims the bill (S. 3199) for the relief of the Adler Construction Co., was considered and agreed to, as follows:

Resolved, That the bill (S. 3199) entitled "A bill for the relief of the Adler Construction Company", now pending in the Senate, together with all accompanying papers, is hereby referred to the Court of Claims; and the court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

RESOLUTION PASSED OVER

The resolution (S. Res. 334) opposing the making of recess appointments to the Supreme Court was announced as next in order.

THE PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. FONG. Over, by request.

THE PRESIDING OFFICER. The resolution goes over.

TRANSFER OF CASES BETWEEN THE DISTRICT COURTS AND THE COURT OF CLAIMS

The Senate proceeded to consider the bill (H.R. 5396) to amend title 28 of the United States Code to provide for transfer of cases between the district courts and the Court of Claims, which had been

reported from the Committee on the Judiciary, with amendments, on page 1, line 8, after the word "shall", to strike out "unless the parties consent to dismissal" and insert "if it be in the interest of justice"; at the top of page 2, to insert "where the case shall proceed as if it has been filed in the Court of Claims on the date it was filed in the district court"; in line 9, after the word "shall", to strike out "unless the parties consent to dismissal" and insert "if it be in the interest of justice"; in line 12, after the word "filed", to insert a comma and "where the case shall proceed as if it had been filed in the district court on the date it was filed in the Court of Claims"; after line 17, to insert a new section, as follows:

SEC. 3. The first sentence of section 2 of the Act of March 9, 1920 (title 46, U.S.C. 742), is amended to read as follows:

"In cases where if such vessel were privately owned or operated, or if such cargo were privately owned or possessed, or if a private person or property were involved, a proceeding in admiralty could be maintained, any appropriate nonjury proceeding in personam may be brought against the United States or against any corporation mentioned in section 1 of this Act."

On page 3, at the beginning of line 5, to change the section number from "3" to "4"; in the same line, after the word "by", to insert "sections 1 and 2 of", and in line 8, after the word "Claims", to insert "The amendment made by section 3 shall apply to any case or proceeding brought after the date of enactment of this Act."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend title 28 of the United States Code to provide for transfer of cases between the district courts and the Court of Claims and for other purposes."

BILL PASSED TO FOOT OF CALENDAR

The bill (H.R. 4428) for the relief of the legal guardian of John David Almeida, a minor, was announced as next in order.

THE PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BARTLETT. Over, by request.

Mr. SALTONSTALL. Mr. President, will the Senator permit the bill to go to the foot of the calendar? I should like to give an explanation of the bill, if there is any chance of its being passed.

Mr. BARTLETT. Certainly.

THE PRESIDING OFFICER. Without objection, the bill will be passed to the foot of the calendar.

ACTIONS FOR INFRINGEMENTS OF COPYRIGHTS BY THE UNITED STATES

The Senate proceeded to consider the bill (H.R. 4059) to amend title 28 of the United States Code relating to actions for infringements of copyrights by the

United States, which had been reported from the Committee on the Judiciary, with amendments on page 3, after line 16, to insert a new section, as follows:

SEC. 2. Nothing in this Act shall be construed to in any way waive any immunity provided for Members of Congress under article I of section 6 of the Constitution of the United States.

At the beginning of line 21, to change the section number from "2" to "3", and at the beginning of line 24, to change the section number from "3" to "4".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LEO SHOENHOLZ AND OTHERS

The Senate proceeded to consider the bill (S. 2902) for the relief of Leo Shoenholz, Tobias Kaplan, the Kroger Co., and Cleveland State Bank, all of Cleveland, Miss., which had been reported from the Committee on the Judiciary, with an amendment, on page 2, line 1, after the word "the", to strike out "Cleveland State Bank, Cleveland," and insert "Valley Bank of Rosedale, Rosedale," so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of—

(1) \$600 to Leo Shoenholz, Cleveland, Mississippi;

(2) \$600 to Tobias Kaplan, Cleveland, Mississippi;

(3) \$240 to the Kroger Company, Cleveland, Mississippi; and

(4) \$120 to the Valley Bank of Rosedale, Rosedale, Mississippi.

The payment of each of such sums shall be in full settlement of all claims of the person to whom it is paid against the United States for losses incurred as a result of the negotiation of certain checks drawn on the Treasury of the United States for payment of a class Q allotment made payable to the wife of Verner Garrett, Rosedale, Mississippi, and issued after his discharge from the Army on November 28, 1945 (Army serial numbered 34928692). Such checks were improperly issued by the United States Army Finance Office during the period beginning January 1, 1946, and ending December 1, 1948, both dates inclusive: *Provided*, That no part of the amount appropriated in this Act for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Leo Shoenholz, Tobias Kaplan, the Kroger Company, of Cleveland, Mississippi, and Valley Bank of Rosedale, Rosedale, Mississippi."

MARION JOHN NAGURSKI

The bill (H.R. 12350) for the relief of Marion John Nagurski was considered, ordered to a third reading, read the third time, and passed.

EDWARD S. ANDERSON

The Senate proceeded to consider the bill (H.R. 11188) for the relief of Edward S. Anderson which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Edward S. Anderson, of Columbus, Ohio, the sum of \$154.70. Such sum represents the remaining balance that the said Edward S. Anderson is obligated to pay as the result of a judgment rendered against him in a civil court of the State of Ohio arising out of an accident occurring on October 27, 1956, between a private vehicle and a mail truck operated by the said Edward S. Anderson in the course of his employment as an employee of the Post Office Department: *Provided*, That no part of the amount appropriated in this Act shall be paid, or delivered to, or received by, any agent or attorney on account of services rendered in connection with this claim and the same shall be unlawful any contract, to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CENTENNIAL OF THE BIRTH OF JANE ADDAMS

The joint resolution (H.J. Res. 658) to authorize and request the President to issue a proclamation in connection with the centennial of the birth of Jane Addams, founder and leader of Chicago's Hull House was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF AGRICULTURAL ACT OF 1949—BILL PASSED OVER

The bill (H.R. 12759) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BARTLETT. Over, by request.

Mr. CASE of South Dakota. I wonder whether the Senator will withhold his objection for the present.

Mr. BARTLETT. I withhold my objection.

Mr. CASE of South Dakota. The bill, which comes from the House Committee on Agriculture deals with the subject of Mexican labor. I understand that there is some objection to the passage of the bill, and I have received some objection

to it myself. I wonder if the objectors will permit consideration of the bill, with the understanding that I will move to strike out all after the enacting clause and to substitute therefor the text of the amendment which I proposed yesterday on a bill which came from the Committee on Agriculture, so as to pass the so-called wheat bill, that is, the bill which we passed at one time in the Senate, and on which a motion to reconsider with instructions in the House failed by only 11 votes; except that in the way I would offer the amendment I would change the figures in the so-called wheat bill from 75 percent of parity loan support to 77 percent, change the revision of acreage from 20 percent to 22 percent, and change the figure for the compensation of payment in kind for the reduced acreage from 50 percent to 55 percent. That would strike practically a halfway point between the bill as it passed the Senate and the bill as it was reported by the Senate Committee on Agriculture and Forestry. It would approach the figures proposed by the House Committee on Agriculture.

I have reason to believe that if this were done the wheat bill would pass and we could get action on a wheat bill at this session of Congress. Both party platforms favor action on agricultural legislation, and both presidential candidates have spoken frequently and eloquently about the need for agricultural legislation.

The wheat surplus problem is the most pressing problem in the whole farm picture. Therefore, I wonder if the Senators who have raised objection would agree to the consideration of the bill dealing with Mexican labor and would agree to its consideration with the understanding that I would offer a motion to strike out all after the enacting clause and to substitute the wheat bill which has already had the approval of the Senate on the 75 percent, 20-50 basis, and which has had the approval of the Senate Committee on Agriculture on the 80, 20-50 basis, and in place of which I would offer a 77 percent, 22-55 basis.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. CASE of South Dakota. I yield if I have the time.

Mr. HRUSKA. Inasmuch as the Senator from Massachusetts has announced that it was his purpose to introduce a farm bill, would not the consideration of the proposal of the Senator from South Dakota be at least a partial installment on the pledge made recently by the Democratic nominee to delegates to the Democratic national convention?

Mr. CASE of South Dakota. It seems to me it would indeed. It could be pointed to as a significant accomplishment of this session. It could be pointed to as evidence that the Senator from Massachusetts is following his expression of hope about this August session.

Mr. HRUSKA. It was more than an expression of hope. It was a pledge that he would introduce a farm measure which was at that time being drafted. So it was more than a hope.

Mr. CASE of South Dakota. Every-one would like to see some concrete farm

legislation passed which would do something at this session. An amended bill coming from the House Committee on Agriculture would be certain of consideration by the conferees. I hope those who have objected to the bill will permit its consideration, with the understanding that I will offer an amendment to strike out all after the enacting clause and substitute the bill I have suggested.

Mr. BARTLETT. Mr. President, although feeling as the Senator does, and the desire of the calendar committee being to accommodate the Senator from South Dakota, the fact remains that the Senator who made the objection is not on the floor. Therefore I must reluctantly renew my request that the bill go over.

Mr. CASE of South Dakota. I appreciate the position of the Senator from Alaska, if the Senator who objected is not on the floor. I hope that his attention may be drawn to this colloquy, and the hope that later the bill may be brought up by motion and consideration given to the proposal of a wheat substitute which I have suggested.

The PRESIDING OFFICER. The bill will go over.

ESTABLISHMENT OF A NATIONAL CEMETERY IN FORT RENO, OKLA.

The Senate proceeded to consider the bill (S. 3339) to provide that the Secretary of the Army shall establish a national cemetery in Fort Reno, Okla., on certain lands presently under the jurisdiction of the Secretary of Agriculture which had been reported from the Committee on Agriculture and Forestry with an amendment on page 1, line 3, after the words "That", to insert "upon determination by the Secretary of the Army that the land is suitable for cemeterial purposes", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon determination by the Secretary of the Army that the land is suitable for cemeterial purposes, the Secretary of Agriculture is authorized and directed to release, donate, and transfer to the Secretary of the Army, for national cemetery purposes, a portion of the present United States Beef Cattle Research Station, Fort Reno, Oklahoma (formerly the Fort Reno Military Reservation), more particularly described as follows:

A tract of land situated in the county of Canadian, State of Oklahoma, being all of the north half north half of section 33, township 13 north, range 8 west, of the Indian meridian, containing one hundred and sixty acres, more or less.

SEC. 2. The Secretary of the Army is authorized and directed to establish a national cemetery on the land transferred to him under the first section of this Act, and to provide for the care and maintenance of such national cemetery.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WOODY W. HACKNEY

The bill (S. 3844) for the relief of Woody W. Hackney of Fort Worth, Tex., was considered, ordered to be engrossed

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued Aug. 31, 1960

For actions of Aug. 30, 1960

86th-2d No. 146

CONTENTS

Acreage allotments.....	12
Appropriations.....	1, 7
Area redevelopment.....	31
Attaches.....	25
Botanic garden.....	25
Civil defense.....	5
Conservation.....	12, 13
Dairy products.....	11
Depressed areas.....	2
Electrification.....	14, 29
Extension work.....	32
Farm labor.....	3, 34
Farm program.....	16, 30
Foreign aid.....	20
Foreign currencies.....	7
Forestry.....	10
Grain storage.....	22
Great Plains.....	12
Imports.....	18
Information.....	23
Labor standards.....	6
Lands.....	10

Milk.....	9
Milk marketing.....	15, 26
Organization.....	33
Personnel.....	25
Pesticides.....	25
Price supports.....	9, 22
Public health.....	27
Reclamation.....	19
Retirement.....	25
Salt-water research.....	4, 7
Small business.....	28
Sugar.....	8
Supplemental a appropriations.....	7
Surplus commodities.....	11
Taxation.....	17
Trade agreements.....	35
Trade exhibits.....	7
Watersheds.....	24
Wildlife.....	21, 25

HIGHLIGHTS: House received conference report on supplemental appropriation bill. House passed sugar bill. House Rules Committee cleared bill to increase price supports on milk and butterfat. Rep. Nelsen defended REA program. Both Houses agreed to conference report on public works appropriation bill. Sen. Randolph criticized administration's record on aid to depressed areas.

SENATE

1. PUBLIC WORKS APPROPRIATION BILL, 1961. Both Houses agreed to the conference report on this bill, H. R. 12326, and acted on amendments in disagreement. This bill will now be sent to the President. pp. 17028-38, 17102-6
2. DEPRESSED AREAS. Sen. Randolph claimed the administration has failed to provide a really effective program of aid to depressed areas. pp. 17049-52
3. FARM LABOR. Sen. Keating submitted and discussed an amendment, which he intends to propose to H. R. 12759, the Mexican farm labor bill. The amendment would require the Labor Department to see that conditions of domestic workers in areas where Mexican workers are employed would be "at least equal" to the conditions of the Mexican workers, rather than "comparable" as provided in existing law. pp. 16995
Sen. Williams, N. J., inserted and commended an article by Kennett Love, "Influx of Migrant Workers at Peak on Farms in East." pp. 17087-8

4. SALT-WATER RESEARCH. Sen. Case, S. Dak., reviewed the history of the saline-water program, criticized a recent reference to the program as "Democratic," and stated that it has had support from Republicans as well as Democrats. pp. 17005-21
5. CIVIL DEFENSE. Sen. Young, Ohio, criticized the civil defense program as "outmoded" and a "throwaway." pp. 17027-8
6. LABOR STANDARDS. Sen. Prouty reviewed his efforts to bring about a compromise on H. R. 12677, to amend the Fair Labor Standards Act so as to extend the coverage and increase the minimum wage, and expressed disappointment about "the inflexibility and immutability of a majority of both conference groups." pp. 17084-8

HOUSE

7. SECOND SUPPLEMENTAL APPROPRIATION BILL, 1961. Received the conference report on this bill, H. R. 13161 (H. Rept. 2211) (pp. 17113-5). House conferees were appointed earlier (pp. 17090-1). (Attached to this Digest is table showing the action of the conferees on items relating to this Department.)

The conferees took the following action on other items of interest:

Deletes language proposed by the Senate to provide \$986,800 for the President's special international program for trade exhibits and several additional trade missions.

The item proposed by the Senate for \$1,300,000 for the special foreign currency program was reported in disagreement.

Provides \$2,225,000 as proposed by the House, instead of \$6,000,000 as proposed by the Senate, for the Office of Education, payment to Hawaii under the Morrill Act.

Provides \$28,500 as proposed by the House, instead of \$57,000 as proposed by the Senate, for the Advisory Commission on Intergovernmental Relations.

Deletes the Senate proposal to appropriate \$2,000,000 for construction of fallout shelters in existing Federal buildings, and \$5,289,000 for construction of fallout shelters in new Federal buildings.

Provides \$400,000 as proposed by the House, instead of \$500,000 as proposed by the Senate, for the Office of Saline Water.

8. SUGAR. Passed as reported H. R. 13062, to amend and extend the Sugar Act. p. 17123

As passed, the bill provides as follows:

Extends the Sugar Act through December 31, 1961;

Extends the sugar excise tax provisions of the Internal Revenue Code of 1954 through June 30, 1962;

Authorizes the Secretary to make payments to domestic sugar producers under programs applicable to the crop year 1961 and previous crop years;

Authorizes the President to determine the quota for Cuba for the period ending December 31, 1961 at any level he determines to be in the national interest;

Movements to new producers in any area where production restrictions are in effect for 1961, 75 percent of any increase in 1961 crop proportionate shares over 1960 shares subject to certain qualifications;

AMENDMENTS TO LAW PROHIBITING PAYMENT OF ANNUITIES AND RETIRED PAY TO CERTAIN OFFICERS AND EMPLOYEES OF THE UNITED STATES

Mr. KEATING. Mr. President, it is generally agreed that the so-called Hiss Act, Public Law 769, passed in 1954, which prohibits the payment of annuities and retired pay to officers and employees of the United States, is too broad in its application. There have been differences of opinion between Senators who wish to leave that act exactly as it is and Senators who may wish to go too far in changing it. There have been cited numerous cases of hardship in which individuals who have been convicted of relatively minor crimes have been forced to pay, in the loss of annuities, penalties far exceeding what the nature of their crimes demands.

House bill 4601, which is on the calendar, and which the majority leader has announced will be called up for action, justifiably seeks to narrow the application of the Hiss Act. It was contended, when this measure was debated on May 12, that the bill, as originally reported by the Post Office and Civil Service Committee, went too far. H.R. 4601 limits the application of the Hiss Act prohibition on the payment of annuities only to cases involving loyalty or the national security. In doing so, it may make it possible for certain persons who have committed major crimes to receive retirement benefits. That point was brought out very forcefully on the floor by the distinguished Senator from Delaware.

On May 12 the distinguished Senator from Delaware successfully moved to recommit H.R. 4601, in order that it might be narrowed, so as not to restore "crooks and scoundrels" to the public retirement rolls. I joined the Senator from Delaware on his motion to recommit.

The Post Office and Civil Service Committee has not reported this bill to the Senate without amendment. Since the members of the committee failed to narrow this bill to a more acceptable and justifiable form, it will be up to us, here on the floor, if the bill is programed before us, to do that job ourselves.

For this reason, I send to the desk, for printing under the rule, amendments which would limit the withholding of annuities to cases involving a crime for which an individual has been committed to serve more than a year in confinement. By so restricting the restoration of annuities, I believe we would eliminate hardship cases in which those who have not received a significant penalty are nevertheless forced to sacrifice annuities, sometimes worth \$25,000 or \$30,000. At the same time, persons who have embezzled large sums of money from the Government or have committed equally serious crimes would not be permitted to receive benefits from the Government which they served so poorly.

Since a crime must be punishable by a sentence of a year or more in order to be a felony, as defined in the United States Code, this would seem to me to be a valid way of distinguishing between

major and minor crimes for purposes of the Hiss Act.

Mr. President, I do not contend that this is a final answer, but I suggest that these amendments be printed, under the rule, in order that they may receive attention when the bill comes before us.

Mr. President, I hope it is clear that the 1-year provision is not arbitrary, but is based upon longstanding practice, as set out in the United States Code.

The need to narrow the scope of House bill 4601 seems to be reasonably clear, because there were cited instances in which real hardships resulted from the strict application of the law. But in narrowing its application or scope we must, in my judgment, still deny annuities to those who have committed crimes involving the national security or who have committed serious crimes against the Government. It is for that reason that I am submitting these amendments.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The amendments will be received, printed, and lie on the table.

AMENDMENT OF TITLE V OF AGRICULTURAL ACT OF 1949—AMENDMENT

Mr. KEATING. Mr. President, I submit an amendment, intended to be proposed by me, to the bill (H.R. 12759) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, which is on the Senate Calendar. I ask unanimous consent that the amendment be printed, and be printed in the RECORD, with a brief explanatory statement, at the conclusion of my remarks.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment and explanatory statement will be printed in the RECORD, as requested by the Senator from New York.

Mr. KEATING. Mr. President, section 503 of Public Law 78 states that no Mexican worker recruited under this title shall be available for employment in any area unless the Secretary of Labor has determined and certified that first, sufficient domestic workers are not available, second, the employment of Mexican workers will not adversely affect the wages and conditions of domestic workers and third—and I quote—"reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers."

Mr. President, my amendment strikes the word "wages and standard hours of work comparable to those offered to foreign workers" which appears in the third provision that I just read. It inserts in lieu thereof the words "terms and conditions of employment at least equal to those offered to foreign workers." The net effect of my amendment would be to strengthen the tone of this statute with respect to these provisions intended to avoid having the employment of Mexican farmworkers undermine employment conditions for domestic farmworkers. Mr. President, the Secretary already

has such power. My amendment would simply say that rather than conditions being comparable, the Secretary shall see to it that conditions of domestic workers in areas where they compete with Mexican workers are "at least equal" to those of Mexicans. It seems to me that this is only fair. American farmworkers should receive the same protection under the law as do those coming in from outside of the United States.

The amendment and explanatory statement are as follows:

At the end of the bill add the following new section:

SEC. 2. Clause (3) of section 503 of such Act is amended to read as follows: "(3) reasonable efforts have been made to attract domestic workers for such employment at terms and on conditions at least equal to those offered to foreign workers".

EXPLANATION OF KEATING AMENDMENT TO H.R. 12759

Although employers are required to provide their Mexican workers with free housing, workmen's compensation, transportation from the Mexican border, guarantee of employment for three-fourths of the working days within the contract period, free food when work is not available, similar benefits are not ordinarily required for U.S. farmworkers. In addition to its manifest inequity, failure of growers requesting Mexicans to offer such benefits to U.S. workers helps to create the labor shortages that justify use of Mexicans.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. THURMOND:

Address delivered by Senator Byrd of Virginia on accepting a distinguished service award of the American Bar Association Section on Insurance, Negligence and Compensation Law, at Washington, D.C., on August 29, 1960.

By Mr. BYRD of Virginia:

Address delivered by him at his annual orchard picnic, at Berryville, Va., on August 27, 1960.

By Mr. KEFAUVER:

Remarks of Gov. Buford Ellington of Tennessee in behalf of nominees of the Democratic Party, general election of 1960, at Hopkinsville, Ky., August 27, 1960, which will appear hereafter in the Appendix.

By Mr. CARLSON:

Address entitled "Crispus Attucks, One of America's First and Noblest Heroes," delivered by John W. Dobbs, grand master of Georgia, at the annual meeting of the Nobles of the Mystic Shrine at Boston, Mass., on August 16, 1960.

Article entitled "New Jersey Weekly, Life, Join on Delivery Deal," published in the magazine Editor and Publisher for August 20, 1960.

By Mr. YARBOROUGH:

Editorial entitled "Nationwide Survey Points Up Great Value of Parks to States," published in the Houston (Tex.) Post of August 17, 1960.

By Mr. COTTON:

Article entitled "U.S. Airlines Face Difficult Future as Losses Mount," published in the New York Times of Sunday, August 28, 1960.

By Mr. WILEY:

Article entitled "Every Vote Counts," written by Joseph J. Delaney, general president

of the International Operating Engineers, and published in a recent edition of the International Operating Engineer.

Article entitled "MRA Fashione New Tools To Fight Reds," published in the Milwaukee Journal of August 28, 1960, dealing with the program of moral rearmament.

By Mr. COOPER:

Statement by George J. Burger, vice president of the National Federation of Independent Business, Inc., before the platform committee of the Republican National Convention, Chicago, Ill. on July 20, 1960, on the subject of a small business plank for the platform.

By Mr. MAGNUSON:

Address entitled "Christ and Politics," delivered by the Reverend Lambert Brose on the Lutheran Hour Broadcast on July 10, 1960.

FIRST SECRETARY ACT OF 1960

Mr. JAVITS. Mr. President, I ask unanimous consent to introduce, for appropriate reference, a bill which would establish a First Secretary of the Government, a post first proposed by Gov. Nelson A. Rockefeller, of New York.

The primary functions of the First Secretary, who would be appointed by the President and confirmed by the Senate, would include the coordination of national security and international affairs required by the cold war. The First Secretary would receive a salary of \$35,000 annually—equivalent to the amount received by the Vice President and Justices of the Supreme Court—and would stand after the President pro tempore of the Senate in line of succession to the Presidency.

The bill I am introducing today is a direct implementation of that part of the Republican platform plank on Government administration. The Republican convention unanimously endorsed the proposal that "two top positions should be established to assist the President in, first, the entire field of national security and international affairs, and, second, governmental planning and management, particularly in domestic affairs." The post of First Secretary would carry out the first of those two suggestions. In addition, my bill would implement the proposal included in the Nixon-Rockefeller agreement of July 23, 1960, for the "creation of a post to assist the President in the whole area of national security and international affairs."

The First Secretary of the Government would be the No. 1 aid to the President and be responsible to him for the effective coordination of U.S. activities in the cold war. Introducing the First Secretary of the Government Act of 1960 in the closing days of this congressional session will make it possible for this proposal to undergo careful study by those outside of and in the Federal Government and receive detailed consideration by those executive departments asked to submit reports on the bill, which can be available to the Congress when we return early in January 1961.

Prompt consideration of this plan should receive top priority by the next Congress and the new administration.

The months of intensive hearings by the Subcommittee on National Policy Machinery, of which I am a member, included much testimony by men of

both parties who served in the highest policymaking appointive posts and under different Presidents. Many stressed in the most persuasive terms the urgent need for a super-Cabinet official who can help direct and coordinate concerning national security and international affairs policy once it has been set by the President.

Under the terms of my bill, the First Secretary would be a member of the National Security Council and could preside at these meetings should the President so direct. His staff could include four employees, each eligible to receive a maximum of \$19,000 per annum, and two additional officers appointed by the President to assist the First Secretary. On a protocol basis, a First Secretary also could relieve the President of at least some of his appearances, ranking as he would with other prime ministers.

Although we may be aware of the enormous dangers and the tremendous challenges which confront us on almost every front, foreign and domestic, few of us can conceive of the extreme pressures or the awesome complexity of the problems which daily come to the desk of the President. As Governor Rockefeller pointed out in his testimony before the Subcommittee on National Policy Machinery, the President must play many roles. He is Chief of State, Chief Executive, Commander in Chief of the Armed Forces, constitutionally responsible for conducting foreign policy, and head of his political party. More than 50 departments and agencies of Government report directly to the President and those involved in the national security field have a total annual budget of almost \$50 billion. This, in turn, has led to the creation of scores of interdepartmental and interagency committees—160 exist in the field of international affairs alone. In addition, there are 18 independent agencies, many more boards and commissions—4 Government agencies and 6 international financial organizations are concerned with foreign economic aid.

My bill provides that the First Secretary may serve as Chairman of the National Advisory Council on International Monetary and Financial Problems. In a sense, this chairmanship is a high command post in U.S. foreign economic policy for the council is responsible for U.S. activities in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, and the International Monetary Fund.

Decisionmaking, as President Eisenhower has properly emphasized, is properly a function of the Presidency. However, the outstanding contributions which are made regularly by Cabinet officers, the Vice President, and other top level advisers in the efficient and imaginative conduct of Government cannot be discounted. The creation of the post of First Secretary is meant to contribute to this process by vesting the coordinating responsibility for activities related to our very survival in an official able to carry multidepartmental authority without encroaching on what must be recognized

as the final authority and the constitutional powers of the President.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York to introduce the bill? The Chair hears none; and the bill will be received and appropriately referred.

The bill (S. 3911) to provide for a First Secretary of the Government and for other purposes, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Government Operations.

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent, in connection with my introduction of a bill to provide for a First Secretary of the Government, that the text of the bill may be included in my remarks.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "First Secretary Act of 1960."

SEC. 2. The President, in his discretion, may appoint, by and with the advice and consent of the Senate, an officer who shall:

(a) have the title of First Secretary of the Government or such other title as the President may from time to time designate;

(b) be in the Executive Office of the President;

(c) be compensated at the rate of \$35,000 per annum;

(d) be an additional member of the National Security Council and preside at meetings of the Council if and as the President may from time to time direct; and

(e) perform such other functions concerned principally with national security and international affairs as the President shall from time to time direct.

SEC. 3. Subsection (d) (1) of section 19 of title 3 of the United States Code is hereby amended by inserting therein, after the words "shall act as President:", the following: "First Secretary of the Government."

SEC. 4. The President may appoint two additional officers who shall be in the Executive Office of the President, shall have such titles as the President shall from time to time designate, and who shall assist the First Secretary in connection with the performance of his functions as he may from time to time specify. When, by reason of absence, disability, or vacancy in office, the First Secretary cannot perform the functions assigned to him, the officers provided for in this section, in such sequence as the President may from time to time specify, shall act as First Secretary.

SEC. 5. The First Secretary of the Government is authorized:

(a) to appoint, in accordance with the civil service and classification laws, such officers and other employees as may be necessary to assist in connection with the performance of his functions, except that not more than four employees may be appointed without regard to such laws at rates of not more than \$19,000 per annum; and

(b) to obtain services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at such per diem rates for individuals as may be approved by the President.

SEC. 6. Section 104a of the Federal Executive Pay Act of 1956 (70 Stat. 736; 5 U.S.C. 2201 et. seq.) is hereby amended by adding at the end thereof the following:

"(21) the two officers provided for in section 4 of the First Secretary Act of 1960."

SEC. 7. Subsection (a) of section 4 of the Bretton Woods Agreement Act, c. 339, 59

Calendar No. 1971

86TH CONGRESS
2D SESSION

H. R. 12759

IN THE SENATE OF THE UNITED STATES

AUGUST 30 (legislative day, AUGUST 24), 1960

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. KEATING to the bill (H.R. 12759) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, viz: At the end of the bill add the following new section:

1 SEC. 2. Clause (3) of section 503 of such Act is
2 amended to read as follows: “(3) reasonable efforts have
3 been made to attract domestic workers for such employment
4 at terms and on conditions at least equal to those offered to
5 foreign workers”.

AMENDMENT

Intended to be proposed by Mr. KEATING to the bill (H.R. 12759) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

AUGUST 30 (legislative day, AUGUST 24), 1960
Ordered to lie on the table and to be printed

WAGE RATES

- II. Minimum wage rate for presently covered workers: \$1.15.
- III. Minimum wage rate for newly covered workers: \$1.
- IV. Overtime for newly covered workers:
- V. Number covered: 2,840,000.

Mr. PROUTY. Mr. President, I do not know what would have been the fate of this fifth and last compromise proposal if under the conference rules the House conferees had had an opportunity to vote on it, but I do know, Mr. President, that the American public has a right to express its genuine disappointment about the inflexibility and immutability of a majority of both conference groups.

Such obstinacy, Mr. President, calls to my mind the behavior of a poor little rich boy whose parents always bought him everything he wanted, including all kinds of sports equipment. The poorer kids needed his equipment to play baseball, but he insisted that they play according to his rule, and if they did not, he would pick up his equipment and run home to "daddy."

In that case, I always felt sorry for the poor little rich boy who thought he had to have his own way. I feel sorry, too, Mr. President, that the conference committee has run home to "daddy," and has run away from the poor children and poor families who need their help.

For 7 years the President has recommended an extension of wage and hour coverage to new workers. For 7 lean years, 5 of which the Democratic Party has held control of Congress, there has been no bill sent to the White House.

Those who have waited help for 7 years might indeed echo the cry: "How long, of Lord, how long."

The answer to that question may well lie within the bosom of the majority leader and the majority leader's leader.

Are we going to have a law or an issue which will be exploited until November 7, and forgotten thereafter?

AUTHORIZATION FOR SELECT COMMITTEE ON SMALL BUSINESS TO SUBMIT REPORT SUBSEQUENT TO ADJOURNMENT

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the Select Committee on Small Business be authorized, during the adjournment of the second session of the 86th Congress, to file with the secretary of the Senate a report entitled "Case Study in Subcontracting by Weapon-System Contractor," and that the report be printed along with any individual, supplemental or minority views.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIGRATORY AGRICULTURAL LABOR

Mr. WILLIAMS of New Jersey. Mr. President, as chairman of the Subcommittee on Migratory Labor during the past year, I have had to learn a great deal about the problems facing the American migratory agricultural worker and his employers. These problems call

for solutions founded on sound legislative judgment and this requires careful study and analysis of the facts.

Migratory agricultural workers move with and work in three northbound main streams; one along the east coast, another through the Midwest, and the third up the west coast.

The northeastern area of migratory agricultural labor has been excellently described by Mr. Kennett Love in the Monday, August 29, New York Times. In discussing, among other aspects, the social environment in this section, he notes that—

Good and bad, nearly all the camps are situated away from the main roads, isolated from the farmsteads and rural communities. Neither the camps nor the migrants come often into the awareness of the society within which they exist.

Because of the many variables in the agricultural scene, as well as the transient habits of the migratory agricultural worker, the task of writing an accurate and informative article about any part of this area is indeed imposing. The need for such writing is crucial both for the public and for the legislators. Mr. Love's fine article evidences thorough research and will be most helpful to us in achieving a more complete understanding of the northeastern part of this complex problem.

Therefore, I ask unanimous consent that the following article from the Monday, August 29, New York Times be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INFLUX OF MIGRANT WORKERS AT PEAK ON FARMS IN EAST

(By Kennett Love)

The annual tide of tattered humanity that follows the harvest up the Atlantic seaboard has reached its high mark in New York and adjacent States. About 60,000 migrant farm workers—men, women, and teen-agers, and uncounted myriads of children—have settled for the duration of the "pickin' season" in hundreds of camps scattered among the bean patches and orchards of upstate New York, the vast potato fields of Long Island, the truck gardens of New Jersey, and the shrouded stands of tobacco in the Connecticut Valley.

"Tell me, Mister, how is the potato crop down in Jersey?" asked the spokesman for a hundred migrants newly arrived at a camp near the shore of Lake Ontario. "Potatoes coming in so slow around here that we don't get much work even when the sun shines."

ONE HUNDRED IN FIVE TRUCKS

Eighty grown-ups and twenty children, the group had come in two stages all the way from Lake Okeechobee, Fla., in five battered, stake-sided, tarpaulin-covered trucks. The trip had been broken by a few weeks of potato picking in North Carolina.

On the road they jolted northward day and night, pausing only to eat and stretch, because neither in the segregated South nor in the North could they find or afford a night's lodging, except in the work camps.

Some of the camps are squalid clusters of tar paper shacks or cooqlike barracks of weathered wood and tin on plots of dust or mire, depending on the weather.

Large families are crowded into a single cubicle to sleep, cook, and eat. They lack electricity, screens, or garbage can lids, and have, in place of plumbing, a hand pump

out front and a couple of privies out back. State regulations are on the way toward eliminating or improving the worst camps.

SOME CAMPS IMPROVED

Many camps, some of them not much better to look at, are equipped with showers and other plumbing and screened in accordance with health codes. The buildings are sturdier and more comfortable, sometimes of cinder block construction, and the rooms may be provided with bottled-gas stoves instead of kerosene burners.

One large men's camp maintained by the Connecticut shade-grown tobacco planters in a landscaped grove near Poquonock is said to have cost nearly a million dollars, and it looks it.

Good or bad, nearly all the camps are situated away from the main roads, isolated from the farmsteads and rural communities. Neither the camps nor the migrants come often into the awareness of the society within which they exist. Senator HARRISON A. WILLIAMS, Democrat, of New Jersey, and chairman of the Senate Subcommittee on Migratory Labor, has called them the forgotten people.

MILLION ON ROAD

The Atlantic migration stream is part of a pattern in which a million people, from coast to coast, move northward "on the season" every year.

The larger and better known part of the pattern is the migration up through the Midwest, the Great Plains, and the Pacific States that has attracted both legal and illegal immigrants from Mexico, the latter known as "wetbacks." Nearly half a million Mexicans and a similar number of Americans, chiefly of Mexican origin or Negroes, make the yearly harvest trek west of the Appalachian mountain chain.

The sources of the Atlantic seaboard stream are mainly in the colored quarters that sprawl out into the pines and palmetto on the poor side of southern towns.

The stream is fed also from the sugarcane and tobacco fincas of Puerto Rico by Spanish-speaking men who flock to San Juan to take the \$45 airplane trip north. A smaller current joins the stream from the West Indies. And a few white "knights of the road" come into the migration from the skid rows of the Central Atlantic and New England cities.

Much of the movement is prompted by dire economic need. Lois Garrison, a young woman from Palmetto, Fla., explained it in simple terms one rainy, workless day this month in a camp near Cranbury, N.J.

"If you don't get no work in the summer," she said, "the rent man's going to shut you right out the door."

LEFT CREW IN VIRGINIA

She had come up "freewheeling" in search of work after leaving a crew that had completed a harvesting contract in Virginia.

Other migrants, including some substantial, provident citizens, come north as much for the opportunity to travel as for economic reasons.

Mrs. Willie Brown, in a beanpickers' camp in the Genesee Valley, complacently broke snap beans into canning lengths on a recent evening as she told how she took leave every summer from a permanent job as a cook in Sanford, Fla., to work in the northern New York climate. She has entered her eldest daughter in Tallahassee University and plans to send her other three children to college.

In "Tobacco Valley" along the Connecticut River, 2,250 Negro youths and girls from southern high schools and colleges are nearing the end of a 10-week season harvesting the delicate leaves of tobacco grown in the shade of vast canopies of cotton netting.

Alphonzo R. Liggins, a grammar-school teacher of Goldsboro, N.C., who brought 163

students to a dormitory camp at Broadbrook, Conn., said the students would take home up to \$400 each. It is the 24th Connecticut season for students from his school.

Students, smaller and slimmer than adults, are preferred for the early part of the harvest, when the lower leaves of the 8- to 10-foot stalks are picked, because they can move among the close-set rows without damaging the plants.

Although most migrants' lives are disorganized, precarious, and impoverished to a degree unknown in other sectors of society, they bear their lot with a resignation that is more often cheerful than gloomy.

"They make very few complaints," said Samuel P. Singletary, employment practice representative of the State labor department. "Mostly, they're just interested in getting work and aren't much concerned about living conditions. And some are mainly interested in seeing New York and will lay off every couple of days."

EARNINGS AVERAGE \$859

As agricultural workers, migrants are excluded from Federal minimum wage and unemployment compensation laws. Secretary of Labor James P. Mitchell has estimated that the average migrant in 1957 worked 131 days and earned \$859—about \$6.55 a day.

Frank Pixley, a large employer of migrants on his Genesee County, N.Y., string bean harvest, asserts that growers do not want to pay low wages but that low produce prices force them to. He concedes that he has paid harvesters 70 cents for each 35-pound hamper of beans since 1946, but he observes that in the same period his own return on each ton of beans had dropped from \$125 to \$113.40. A good worker can pick up to 20 hampers in a day.

Hourly wage rates vary from 80 cents in New Jersey's truck gardens to 95 cents in the tobacco fields of Connecticut.

In the last decade progress has been made toward regulating the agricultural migration by the annual worker plan administered by State farm placement service agents and financed by Federal funds.

Planning begins in February and March when local State employment officials obtain estimated labor requirements and job orders from farmers in participating States from South Carolina to Massachusetts and Vermont.

Then the farm placement service agents go to Florida to lay out a comprehensive schedule of the migratory labor demands for harvests phased progressively northward. The trekking begins as early as April as Florida harvesting tapers toward a close.

A typical schedule was that worked out last year for Alvin Braboy of Lakeland, Fla., whose crew at first consisted of 11 families—23 adults and 6 children.

The crew picked oranges, tangerines, and grapefruit in Florida until June 20. Then it moved up to Painter, Va., to dig potatoes until July 20. From July 25 to September 7 it picked tomatoes in Trappe, Md., and arrived in Linlithgo, N.Y., September 9 to harvest apples and grapes.

On November 10, Alvin Braboy and his crew took to the road again in a truck, a bus, and two cars, Florida bound, to start again on the oranges, tangerines, and grapefruit.

The employment record shows that the Braboy crew stuck remarkably close to a schedule subject to variations imposed by the weather, produce market conditions, sickness and often-recurring breakdowns of its dilapidated vehicles.

The record also shows that when the crew started South its composition had changed to 3 families with 7 children, 11 unattached men and 1 unattached woman.

Similar fluctuations are disclosed by the records of many of the 371 crews brought into New York State last year by registered leaders.

Statistically, the migrant problem is a nightmare. There is no certainty that workers who have stopped in more than one State have not been counted more than once. A similar uncertainty exists regarding migrants joining and leaving crews during the season.

It has been estimated that up to 40 percent of the whole migration are free wheelers, crews and families who travel without work agreements with farmers. And many crews contract with farmers outside the annual worker plan.

New York is the largest user of migrant labor among the Eastern States, having employed last year some 31,500 southern Negroes and nearly 5,000 Puerto Ricans. Of the Puerto Ricans 1,144 were under contract and the rest were walk-ins who came without work assurances.

CONNECTICUT PLAN

New Jersey reported an August peak of 25,600 seasonal farmworkers last year but nearly half were day hauls, workers recruited at dawn shape-ups from the Negro and Puerto Rican neighborhoods of Philadelphia and other Pennsylvania and New Jersey cities and returned home at night. The New Jersey migrant workers last year included 3,000 southern Negroes and more than 8,000 Puerto Ricans, three-quarters of whom came on contract.

Connecticut differs from other Eastern States in that no families accompany workers going there under formal agreements, although some walk-in families arrive. Connecticut this season has 1,200 West Indians and 1,350 Puerto Ricans in addition to the 2,250 southern students.

The present pattern of agricultural migration is a post-World War II development, although it has been influenced by wartime and prewar economic and technological developments.

A major factor has been the disappearance of local seasonal labor as the immigrant groups that formerly did it moved up the economic ladder into industrial and white-collar jobs.

Nelson Hopper, director of the State Farm Placement Bureau in Rochester, said:

"Fifteen years ago the farmer, his family and local workers did 90 percent of the harvest. Now they handle maybe as little as 25 percent and they need migrants for the rest."

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

REPORT OF COMMITTEE ON ARMED SERVICES

By unanimous consent, the following report of a committee was submitted:

By Mr. RUSSELL, from the Committee on Armed Services, with amendments:

H.R. 5132. An act to amend title 10, United States Code, with respect to active duty agreements for reserve officers, and for other purposes (Rept. No. 1935).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. DODD, from the Committee on the Judiciary:

J. Joseph Smith, of Connecticut, to be U.S. circuit judge for the second circuit.

AMENDMENT OF WAR CLAIMS ACT OF 1948 TO PROVIDE COMPENSATION FOR CERTAIN WORLD WAR II LOSSES—AMENDMENTS

Mr. KEATING. Mr. President, I send to the desk, and ask to have printed and lie on the table, for the information of Senators, certain amendments to the war claims bill, H.R. 2485, reported yesterday from the Committee on the Judiciary. This is an extremely important bill, Mr. President. It deals with American war damage claims which have been passed over for more than 14 years in the enactment of legislation by the Congress for the recognition and payment of other types of American war losses. My amendments are designed to improve the bill in the following particulars:

First, the category of eligible claimants would be broadened, so as to include individuals who are American citizens on the date of the bill's enactment into law.

Second, provisions for the payment of the claims from the net proceeds of former enemy vested assets, as provided for in the bill as passed by the House, would be restored.

Third, among the types of claims authorized are claims for the removal of American-owned capital and other industrial equipment in Germany for reparation purposes.

Finally, there would be added provisions authorizing the Attorney General to dispose of any vested properties that may be affected by pending litigation, with full safeguards for just compensation to any successful litigant in any suit brought for the return of such properties.

The background of these amendments and the problems involved in them are quite fully explained in the supplemental views attached to the committee's report (S. Rept. 1934). I feel very strongly that they are needed in order to make the bill a fully rounded war claims measure. The absence from the bill of the provisions found in the changes I am recommending is extremely regrettable. Although H.R. 2485, as reported from the committee, is a long overdue recognition of the importance of the war claims problem, it is, in my judgment, seriously defective in the areas I have indicated.

We can no longer blind ourselves to the need for immediate action in the matter of these claims, but neither can we turn our backs upon the proper handling of the matter by making a half-hearted gesture, as proposed in the bill as it comes to us from the committee.

Mr. President, I ask unanimous consent that the text of my amendments be printed at this point in the Record.

The PRESIDING OFFICER. The amendments will be received, printed, and will lie on the table; and, without objection, the amendments will be printed in the Record.

The amendments are as follows:

On page 8, line 8, following the comma, insert the following: "or on the date of enactment of this title are".

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

CONTENTS

Issued September 2, 1960
For actions of August 31 and
September 1, 1960
86-2nd - No. 148

Adjournment sine die.....	9
Appropriations.....	4,20
Contracts.....	26
Decentralization.....	7
Depressed areas.....	19
Farm labor.....	11
Farm program.....	1,5
Food-for-peace.....	2
Foreign aid.....	22
Foreign trade.....	8
Forestry.....	16
Hall of fame.....	28
Holiday.....	27
Imports.....	19
Information.....	23
Interest rates.....	3,21
Lands.....	12

Library services.....	29
Natural resources.....	18
Personnel.....	14,25
Purchasing.....	3
Range seeding.....	18
Reclamation.....	13,20
Safety.....	25
School lunch.....	17
Sugar.....	6,10,15,24
Surplus commodities.....	8
Taxation.....	14
Tobacco.....	14

HIGHLIGHTS: Senate passed sugar bill. Both Houses passed bill to extend Mexican farm labor program. Several Sens. and Reps. debated deadlock on sugar bill. House committee reported bill to amend Public Law 480

HOUSE -- Aug. 31 (Continued)

1. FARM PROGRAM. Reps. Madden and Levering criticized the administration's farm program record. pp. 17482, 17486-7
2. FOOD FOR PEACE. Rep. Wolf spoke in favor of a food-for-peace program and said it was originated by the Democrats. pp. 17543-4
3. PURCHASING; INTEREST RATES. Rep. Patman criticized the administration's position on interest rates and claimed Government agencies are fostering big business at the expense of small business by their purchasing policies. pp. 17512-25

HOUSE -- Sept. 1

4. APPROPRIATIONS. Reps. Cannon and Taber inserted and discussed tables on appropriations in comparison with estimates, etc. pp. 17586-91, 17592-3

5. FARM PROGRAM. Rep. Jensen said the Democrats refused to bring up a farm bill and are not interested in farmers. pp. 17593-4
6. SUGAR. Several Representatives discussed the conferees' deadlock on H. R. 13062, the sugar bill. pp. 17598-602, 17606-8, 17609-11
7. DECENTRALIZATION. Rep. Reuss requested that the Government Operations Committee make a study of Government policies on decentralization, relocation, and dispersal. pp. 17619-21
8. FOREIGN TRADE; SURPLUS COMMODITIES. The Agriculture Committee reported with amendment H. R. 12720, to make various amendments to Public Law 480 (H. Rept. 2216). p. 17622
9. ADJOURNED SINE DIE. p. 17621

SENATE - Aug. 31 (Continued)

10. SUGAR. Passed with amendments H. R. 13062, to amend and extend the Sugar Act (pp. 17436-43). The bill was reported earlier with amendments by the Finance Committee (S. Rept. 1940)(p. 17478). By a vote of 62 to 17, agreed to an amendment by Sen. Dirksen which was in the nature of a substitute for the Committee bill (the Dirksen substitute was the language of the bill as passed). Sen. Dirksen explained that his substitute bill "would simply extend the act from Mar. 31, until Dec. 31, of 1961, and... would give the President the additional power that he is not forced to purchase from the Dominican Republic" (pp. 17436-43).
11. FARM LABOR. Passed as reported H. R. 12759, to extend the Mexican farm labor program for 6 months, until Dec. 31, 1961 (pp. 17413-9). The House concurred in the Senate amendment to this bill (pp. 17557-8). This bill will now be sent to the President.
12. PUBLIC LANDS. Concurred in the House amendment to S. 2757, to supplement the act of June 14, 1926, so as to permit any State to acquire certain public lands for recreational use. This bill will now be sent to the President. pp. 17420-1
Concurred in the House amendments to S. 3212, to direct the Secretary of the Interior and the Administrator of General Services to convey certain public land in Nevada to Mineral, Nevada. This bill will now be sent to the President. p. 17448
Concurred in the House amendment to S. 3267, to amend the act of Oct. 17, 1940, relating to the disposition of certain public lands in Alaska. This bill will now be sent to the President. p. 17451
13. RECLAMATION. Concurred in the House amendments to S. 2195, to authorize the Dalles reclamation project, and S. 1092, to authorize the Cheney reclamation project. These bills will now be sent to the President. p. 17451
14. PERSONNEL; TOBACCO. Passed with amendments H.R. 4384, relating to the importation of certain articles for religious purposes (pp. 17421-33, 17433-4, 17451-2). By a vote of 50 to 32, agreed to an amendment by Sen. Clark to authorize the Federal Government to withhold amounts due for city wage taxes from wage and salary payments to Federal employees working at Federal installations in cities with more than 75,000 inhabitants in which such taxes are imposed (excluding employees who do not reside in the State in which the city which levies the tax is located) (pp. 17421-33). Agreed to an amendment by Sen. Cooper to limit imports of certain Philippine tobaccos that may be charged to the U. S. duty-free quota to those tobacco exports licensed by the Philippine Government (pp. 17433-4).

Digest of CONGRESSIONAL PROCEEDINGS

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OFFICE OF
BUDGET AND FINANCE

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Staff Only)

CONTENTS

Issued September 1, 1960
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Acroage allotments.....8	
Appropriations.....6,11	
Budget.....4	
Compensation.....5	
Conservation reserve..8,19	
Expenditures.....5	
Extension work.....10	
Fairs.....11	
Farm labor.....2	
Farm loans.....3	
Farm program.....1	
.....11	
Flood control.....18	
Food-for-peace.....1	
4-H Clubs.....25	
Foreign aid.....12	
Foreign currencies.....11	
Foreign trade.....24	
Forest fires.....4	
Great Plains.....8	
Handicapped.....5	
Health research.....9	
Imports.....15	
Labor standards.....7	
Lands.....16	
Milk price supports.....13	
Payrolling.....23	
Personnel.....5,21	
Price supports.....1,13	
Property.....25	
Public debt.....22	
Reclamation.....17	
Research.....1,9	
Retirement.....5	
Second supplemental appropriations.....11	
Surpluses.....1	
Taxation.....14	
Veterinarians.....21	
Wildlife.....20	

HIGHLIGHTS: Both Houses agreed to conference report on supplemental appropriation bill. House passed bill to increase price supports on milk and butterfat. Both Houses passed bill authorizing foreign aid for Latin America.

* SENATE

1. FARM PROGRAM. Sen. Young, Ohio, criticized the administration's farm-program record and spoke in favor of a food-for-peace program. pp. 17217-8
Sen. Proxmire inserted and commended a speech by Norman Clapp on the farm problem. pp. 17247-8
Sen. Javits spoke in favor of flexible price supports, additional research, and use of surpluses in foreign aid. pp. 17307-8
Sen. Symington and others commended Sen. Kerr's book, "Land, Wood, and Water." pp. 17218-9
2. FARM LABOR. Sen. Javits submitted an amendment which he intended to propose to H. R. 12759, the Mexican farm labor bill. pp. 17200-1
3. FARM LOANS. Sen. Allott spoke in favor of codifying and simplifying Farmers' Home Administration legislation. p. 17206
Sen. Sparkman spoke in favor of a national mortgage market and inserted a speech by Dr. Kurt Flexner on this subject. pp. 17212-3

4. FOREST FIRES. Sen. Mansfield spoke on the forest-fire problem and said the Budget Bureau is willing "to spend millions to put the fires out...while it cuts budget requests to strengthen fire prevention." pp. 17207-8
 5. PERSONNEL. Passed without amendment H. R. 7810, to credit periods of internment during World War II to certain Federal employees of Japanese ancestry for purposes of the Civil Service Retirement Act and the Annual and Sick Leave Act. The bill had been reported without amendment earlier in the day by the Post Office and Civil Service Committee (S. Rept. 1936). This bill will now be sent to the President. pp. 17189, 17308
Sen. Byrd, Va., inserted the report of the Joint Committee on Reduction of Nonessential Federal Expenditures on personnel and pay for June and July 1960. pp. 17189-93
Passed without amendment H. R. 12458, to increase from \$225,000 to \$300,000 annually the authorization for appropriations to the President's Committee on Employment of the Physically Handicapped. This bill will now be sent to the President. pp. 17299-300
Passed without amendment H. R. 12383, to amend the Federal Employees Compensation Act so as to increase various benefits in view of the increase in the cost of living, etc. This bill will now be sent to the President. p. 17235
 6. APPROPRIATIONS. Sen. Johnson inserted a table showing the appropriations for the current session compared with the budget estimates. p. 17325
 7. LABOR STANDARDS. Sen. Kennedy and others discussed the conferees' deadlock on H. R. 12677, to increase the coverage of the Fair Labor Standards Act and increase the minimum wage. pp. 17269-83
 8. ACREAGE ALLOTMENTS. Agreed to the House amendment to S. 3533, to protect farm and ranch operators making certain land-use changes under the Great Plains conservation program or the conservation reserve program against loss of acreage allotments. The House amendment was to add the provision regarding the conservation reserve program. This bill will now be sent to the President. pp. 17298-9
 9. HEALTH RESEARCH. Passed without amendment H. R. 10341, to authorize grants to public or non-profit institutions to strengthen their programs of research and research training in sciences related to health. This bill will now be sent to the President. p. 17300
 10. EXTENSION WORK. Sen. Stennis spoke in favor of S. 3671, which would authorize State Extension Services to use GSA supply schedules and stores. pp. 17316-7
- * HOUSE
11. SECOND SUPPLEMENTAL APPROPRIATION BILL, 1961. Both Houses agreed to the conference report on this bill, H. R. 13161, and acted on amendments in disagreement. This bill will now be sent to the President. (pp. 17332-50, 17288-94) As agreed to, the bill includes the following items: Provides \$237,500 for the Foreign Agricultural Service for agricultural market development and trade support activities (\$137,500 by direct appropriation and \$100,000 by transfer from funds appropriated under Section 32 of the Act of August 24, 1935, as compared with the budget estimate of \$330,000 and \$170,000, respectively). Provides \$650,000 (instead of \$1,300,000 as proposed by the Senate) for the special foreign currency program for the purchase of rupees to enable U. S.

Resolved, That it is the sense of the Senate that in the administration of section 414 of the Mutual Security Act of 1954, as amended, the Secretary of State shall take such action as may be necessary to restrict the importation or reimportation into the United States (other than for use by the Armed Forces of the United States) for resale of surplus rifles originally manufactured for the armed forces of any country, or parts thereof for reassembly, except those which are curios or antiques or weapons of obsolete ignition incapable of using a fixed cartridge or fixed shotgun shell.

ASSISTANCE TO INSTITUTIONS OF HIGHER LEARNING, INCLUDING JUNIOR AND COMMUNITY COLLEGES

Mr. YARBOROUGH. Mr. President, I submit, for appropriate reference, a resolution sponsored by more than 20 Senators, including 13 members of the Committee on Labor and Public Welfare. The resolution is on the subject of Federal assistance in the field of higher education. It requests the Secretary of Health, Education, and Welfare to review and survey various forms of potential Federal assistance for encouraging and helping institutions of higher education, including junior and community colleges, to meet their critical needs, and also to help students finance their education.

Mr. President, a number of bills on this subject are pending in the Education Subcommittee. But due to the well-known bogdown of procedure in the Committee on Labor and Public Welfare, because of the fight over the common situs picketing bills, it has not been possible for the committee to bring up these aid-to-education bills. They include the bill, sponsored by the distinguished majority leader, to provide a guaranteed loan fund to enable students to go to college; Senate bill 3776, introduced by the Senator from Pennsylvania [Mr. CLARK] and myself, to lend funds and make grants to colleges, to assist them in building additional classrooms; three bills, introduced by the Senator from New Jersey [Mr. CASE], to lend funds to junior colleges, to assist them in the building of additional classrooms and teaching facilities; and also a bill to help the States survey their college facilities.

In view of the fact that we shall have 1 million more college students by 1964 than the present 3¾ million, due to the fact that the children of the veterans of World War II will be old enough then to go to college, the Senator from Alabama [Mr. SPARKMAN], who now is on the floor, has successfully sponsored measures to provide Federal funds to assist in the building of college dormitories, although up to this time such funds have not been provided.

But now the American Council on Education, which heretofore has proposed that such Federal aid be restricted to funds and grants for the building of college dormitories, is joining in the requests that Federal funds be made available for the construction of additional classrooms.

I ask unanimous consent to have printed at this point in the RECORD a letter from the American Council on

Education and an attached memorandum entitled "Comments on the Proposed Omnibus Bill in the Light of the Most Serious General Needs of Higher Education." The memorandum commences with the following statement of principles and priorities, by the Committee on Relationships of Higher Education to the Federal Government, of the American Council on Education:

STATEMENT OF PRINCIPLES AND PRIORITIES

It is the unanimous judgment of the Committee that the priority needs of higher education among items of legislation now being considered by the Congress are as follows:

1. Continuation of the College housing loan program with adequate funds to meet the urgent need for additional dormitories and related facilities.
2. Legislation to make available long-term, low-interest loans or matching grants, at the option of the institution, to facilitate the expansion of academic facilities such as classroom buildings, laboratories, and libraries.
3. Further measures designed to expand educational opportunity through aid to students in financing their higher education.

There being no objection, the letter and the memorandum were ordered to be printed in the RECORD, as follows:

AMERICAN COUNCIL ON EDUCATION,
Washington, D.C., August 22, 1960.
HON. RALPH W. YARBOROUGH,
U.S. Senate, Washington, D.C.

DEAR SENATOR YARBOROUGH: It is a pleasure to express to you on behalf of the American Council on Education our gratitude for the excellent presentation concerning the proposed omnibus bill in support of higher education which you made last Thursday to our Committee on Relationships of Higher Education to the Federal Government. Subsequently the committee heard a frank and informative statement from Secretary Flemming on the same subject, and then after full discussion, authorized a statement including comments on the various proposals embodied in the bill. A copy is enclosed for your information. The committee hopes that this statement will assist you and Secretary Flemming in agreeing on the provisions of a bill on which immediate action will be possible with bipartisan support.

Sincerely yours,

RAYMOND F. HOWES,
Acting Chief Executive.

COMMENTS ON THE PROPOSED OMNIBUS BILL IN THE LIGHT OF THE MOST SERIOUS GENERAL NEEDS OF HIGHER EDUCATION

(By the Committee on Relationships of Higher Education)

STATEMENT OF PRINCIPLES AND PRIORITIES

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1. Continuation of the college housing loan program with adequate funds to meet the urgent need for additional dormitories and related facilities.
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3. Further measures designed to expand educational opportunity through aid to students in financing their higher education.

COMMENTS ON PROPOSED OMNIBUS BILL

The committee has been invited to present its views on the proposed "Omnibus bill in support of higher education." The

six items included in this legislation, as described by the Senate Subcommittee on Education in a news release dated July 1, together with our comments, are as follows:

1. A guarantee loan program for college students similar to a proposal introduced by Senator LYNDON JOHNSON in his bill S. 2710.

Comment: "With the rising cost of higher education, there is expanding need for various types of student assistance. We have been gratified at the success of the fellowships provided by several government agencies, particularly the National Science Foundation under its general authority and the U.S. Office of Education under the National Defense Education Act. We are also pleased with the success of the student loan fund under the National Defense Education Act and strongly recommend that adequate funds to continue this program at a level to meet demonstrable need be appropriated during this session of Congress. A guarantee loan program such as is proposed in S. 2710 would be a useful supplement to the other Federal programs now in effect, although it still would not meet the total needs of students in our colleges and universities."

2. Provision for \$2.5 million for statewide inventories of existing college facilities and survey of the need for additional facilities. This is similar to a proposal contained in S. 878, introduced by Senator CASE of New Jersey.

Comment: "A number of States, including most of the larger ones where major planning problems exist, are well advanced in their inventories of present facilities and their studies of projected needs. A national survey of these needs has also been made by the U.S. Office of Education. However, some States have not as yet done all that could be desired in this area, and if the program of assistance here suggested, can be so designed as to apply particularly to their needs, it would certainly strengthen the Nation's total planning program for higher education."

3. A combined loan-guarantee and debt-retirement assistance program, including the earmarking of \$50 million for junior colleges.

Comment: "We oppose that part of this legislation (the administration's S. 1017) which would replace the college housing loan program. We believe, however, that this program, as amended by Secretary Arthur S. Flemming in his testimony before the Senate Subcommittee on Education, would provide useful assistance in the construction of academic buildings as one of several optional approaches to the problem."

4. A \$100 million grant program for construction of academic and other college and university facilities, with Federal grants to be matched by the institutions, and \$15 million earmarked for junior colleges. These two proposals (Items 3 and 4) include programs sponsored by the administration in its bill S. 1017; S. 3776, introduced by Senators JOSEPH S. CLARK and RALPH W. YARBOROUGH; and S. 879, introduced by Senator CASE of New Jersey.

Comment: "Since neither a grant nor a loan program meets the needs of all institutions, we strongly favor legislation which makes both types of assistance available in accordance with institutional option, as is provided in S. 3776. While the suggested amount of \$100 million is obviously inadequate to meet the total or even the immediate need, it would be sufficient to launch this dual program on an experimental basis.

"In the event that the Senate Subcommittee on Education believes the inclusion of a program involving matching grants would make the passage of the omnibus bill as a whole impossible during the present session of Congress, we recommend as an absolute minimum that Congress direct the Department of Health, Education, and Welfare to prepare a detailed report on a program of this type for submission to the 87th

Congress not later than February 15, 1961."

5. A \$100 million Federal grant program for construction of medical and dental teaching facilities. This is similar to the administration's proposal contained in S. 3680, introduced by Senators JACOB JAVITS and CASE of New Jersey, and others.

Comment: "In recognition of the long established and critical need for facilities in medical and dental teaching, we endorse legislation of the type represented in S. 3680."

6. Extension of lending authority in the present college housing program to provide \$250 million in loan funds for the current backlog of applications. This is similar to the proposal presented by Secretary Flemming before the subcommittee on June 13, 1960.

Comment: "The council stands firmly behind the present college housing loan program, and the previous recommendation of \$500 million in additional authorization which is included in the general housing bill passed by the Senate, and in the general housing bill voted out by the House Committee on Banking and Currency and now under consideration by the Rules Committee. In this stand the council has the almost unanimous support of institutions of higher learning and of the organizations representing them. Consequently, the committee would endorse the above proposal only in the event that enactment of a housing bill at this session of Congress should become impossible, and that the reduced amount of authorization in this proposal should not be considered as terminal.

"Specifically, then, the committee strongly recommends that the following two provisos be included in the draft of the proposed omnibus bill:

"(a) That such an additional authorization for housing shall not in any sense be considered a terminal authorization for the college housing loan program, and

"(b) That the provision shall be of no effect if additional authorization of funds is made for the college housing loan program at this session of the Congress through a general housing bill."

Members of the committee extend the appreciation of the colleges and universities of this country to those Members of Congress, of both parties, who by such proposals as the omnibus bill in support of higher education give evidence of their enlightened concern for the future of American education.

Mr. YARBOROUGH. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD a letter from Arthur S. Flemming, Secretary of Health, Education, and Welfare, addressed to the Senator from Montana [Mr. MURRAY], endorsing the principles of this resolution. This is a bipartisan effort to aid higher education in America.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE,
August 30, 1960.

HON. JAMES E. MURRAY,
Chairman, Subcommittee on Education,
Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR SENATOR MURRAY: It is my understanding that the Education Subcommittee of the Senate Committee on Labor and Public Welfare is giving consideration to a Senate resolution which would request the Secretary of Health, Education, and Welfare to "review and survey various forms of Federal assistance for encouraging and helping institutions of higher education" and to submit the results of such review and survey

to the Congress not later than February 15, 1961, together with such recommendations for legislation as he might deem to be appropriate.

The proposed resolution would put the Senate of the United States on record as initiating and supporting a thorough review and survey by the Department of Health, Education, and Welfare of the several forms of Federal assistance which might be utilized to assist institutions of higher education, including junior and community colleges, to meet their critical needs.

I have repeatedly emphasized the need for addressing ourselves to the problems of institutions of higher education. By the fall of 1964 a million more students will seek admission to institutions of higher learning. Every effort must be made to assure that places are available for them and that instruction of undiminished quality is made available to them. Legislative proposals recommended by this administration for various forms of Federal assistance in the field of higher education have indicated our awareness of these problems. The review and survey proposed by the resolution would, in my judgment, give impetus to further consideration of financial assistance for higher institutions.

Sincerely yours,

ARTHUR S. FLEMMING,
Secretary.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 338) favoring a survey looking to Federal aid for institutions of higher learning, submitted by Mr. YARBOROUGH (for himself and Senators HILL, MURRAY, KENNEDY, McNAMARA, MORSE, CLARK, RANDOLPH, WILLIAMS of New Jersey, BURDICK, CASE of New Jersey, JAVITS, PROUTY, HART, GORE, PROXMIER, ANDERSON, MANSFIELD, KUCHEL, BYRD of West Virginia, CARROLL, and ENGLE, was received and referred to the Committee on Labor and Public Welfare, as follows:

Whereas one million additional students are expected to enroll in institutions of higher education by the fall of 1964; and

Whereas the accommodation of these additional students without diminution of the quality of instruction or impairment of educational opportunity will require broad and effective planning and action on the part of the institutions and greatly increased support on the part of all individuals and organizations, public and private, concerned with higher education; and

Whereas strong and effective institutions of higher learning and opportunities for all qualified youths to secure a higher education are essential to the well-being and continued progress of this Nation: Now, therefore, be it

Resolved, That the Senate requests the Secretary of Health, Education, and Welfare to review and survey various forms of potential Federal assistance for encouraging and helping institutions of higher education, including junior and community colleges, to meet their critical needs, giving particular consideration to the desirability and feasibility of Federal assistance to help States assess their needs in higher education and develop plans for meeting them, of Federal loan and matching grant assistance in the construction of classrooms and related physical facilities, and matching grants to help construct medical, dental, osteopathic, and public health teaching facilities, and of Federal assistance, including student loan insurance, which will broaden the opportunity of qualified students to obtain a higher education.

SEC. 2. The Secretary of Health, Education, and Welfare is requested to consult with persons and groups broadly representative of American higher education in making his review and survey, and to submit the results of such review and survey to the 87th Congress not later than February 15, 1961, together with recommendations for such legislation as he deems to be appropriate.

Mr. CASE of New Jersey. Mr. President, I wish to commend the junior Senator from Texas on the submission of a resolution in regard to a higher education study which he has presented on behalf of himself and a number of our colleagues, including the senior Senator from New Jersey.

The problem of higher education is one with which we are all concerned, one which has many ramifications, and one that many of us have made many suggestions in regard to handling.

Unfortunately, time ran on so quickly during the session that it was impossible for our Subcommittee on Education to take definitive action on the many proposals that were made before us, but, as the Senator from Texas has said, we have been working not only closely with each other, but also closely with Secretary Flemming. As he also said, the resolution for the study and the report to be made by the Secretary of Health, Education, and Welfare is a subject on which the Department is fully agreed, and all Members who have signed the resolution on a bipartisan basis are also agreed.

I hope that much good will come of it. I believe this effort is additional evidence that with respect to this great problem we are not acting in a partisan or narrow way, but Senators on both sides of the aisle who are deeply dedicated to the service of education have joined and will continue to join in seeking the legislation proposed.

I ask unanimous consent that these remarks be placed at the conclusion of the remarks of the Senator from Texas which he made when he submitted his resolution.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF TITLE V OF AGRICULTURAL ACT OF 1949—AMENDMENT

Mr. JAVITS. Mr. President, I submit an amendment, intended to be proposed by me, to House bill 12759, the so-called Mexican labor bill, and ask that the amendment be printed, under the rule, together with an explanation of the amendment.

The PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table; and, without objection, the amendment and explanation will be printed in the RECORD.

The amendment and explanation are as follows:

At the end of the bill add a new section as follows:

"SEC. 2. Section 501 of such Act is amended by striking out the period at the end of paragraph (6), and inserting a semicolon in lieu thereof; and by adding at the end of such section a new paragraph as follows:

"(7) to establish specific criteria for judging whether the employment of Mexican agricultural workers in the United States is adversely affecting or will adversely affect the wages, working conditions, or employment opportunities of domestic workers similarly employed. Such criteria shall include but shall not be limited to (a) failure of wages and earnings in activities and areas using Mexicans to advance with wage increases generally; (b) the relationship between Mexican employment trends and wage trends in areas using Mexican workers; (c) differences in wage and earning levels of workers on farms using Mexican labor compared with nonusers."

EXPLANATION OF AMENDMENT

Title V of the Agricultural Act of 1949 prohibits the Secretary of Labor from making Mexican workers available for employment in agricultural activities in the United States unless he determines and certifies that their employment will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed. In its present form, title V contains no standards to guide the Secretary in the development of appropriate measures to carry out his statutory responsibilities. All efforts by the Secretary to establish reasonable standards have been resisted both in and out of the courts.

If this provision, designed to protect domestic workers, is to be meaningful, it would seem necessary and appropriate, in the light of the controversies which surround the Secretary of Labor's effort to apply reasonable tests, for the Congress to provide in the law some criteria against which the Secretary can carry out his statutory responsibility to assure that the use of Mexican workers will not adversely affect the wages, working conditions and employment opportunities of our own workers.

This amendment provides a few minimum statutory guidelines. To this end, clause (a) requires the Secretary of Labor in making a determination as to whether he can certify that the employment of any Mexican agricultural workers in any area would not adversely affect the wages, working conditions and employment opportunities of our own agricultural workers, to examine whether the wages and earnings of workers in the activities and areas that use Mexican workers have risen correspondingly with wage increases generally.

Clause (b) is designed to require the Secretary of Labor to examine and consider in connection with his certification whether the number of Mexican workers in the area involved have increased progressively and whether there has been in the same area a downward trend in wage rates.

The criterion provided for under clause (c) would require a comparison of wages and earning levels of workers on farms using Mexican labor with the wages and earning levels of domestic workers employed on farms that use no Mexican workers.

AUTHORIZATION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORTS SUBSEQUENT TO ADJOURNMENT

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Committee on Government Operations, on its own behalf or on behalf of its subcommittees, be authorized to file reports with the Secretary of the Senate during the adjournment sine die of the 86th Congress, 2d session, and that they be printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSPORTATION BY AIR OF MAIL NOT BEARING AIR MAIL POSTAGE

Mr. JOHNSTON of South Carolina. Mr. President, it is evident now that the press of other legislative business very likely will prevent the Senate Committee on Post Office and Civil Service from reporting H.R. 12595, the bill to halt the transportation by air of mail not bearing air mail postage.

In a letter to the Postmaster General on July 20, 1960, Comptroller General Joseph Campbell suggested that there be no expansion of the airlift "during the balance of the 2d Session of the 86th Congress in order that the Senate may have an opportunity to consider H.R. 12595."

In my opinion, it is of no practical significance whether or not the Senate actually considers H.R. 12595 in the present session. The House of Representatives on July 2, 1960, passed the bill prohibiting the transportation of first class mail by air unless air mail postage at the 7-cent rate has been paid. The action of the House of Representatives very effectively should eliminate the "implied legislative approval" mentioned in the U.S. court of appeals decision on December 12, 1955, when on the basis of such implied approval, it was found that the airlift operation was legal.

Even though no action may be taken in the Senate because of the time element, it is my considered judgment that the action of the House clearly eliminates any conceivable idea of Congressional consent to this operation, and the Postmaster General is hereby put on notice that there is no longer any Congressional consent either implied or otherwise. Accordingly, in the future, the Postmaster General should respect the wishes of Congress in this matter.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. EASTLAND:

Editorial entitled "Facade for the Jungle," published in the Wall Street Journal of August 31, 1960.

By Mr. WILEY:

Editorial entitled "Time To Summon Courage, Face It; It's a Testing Period for Freeman," published in the La Crosse (Wis.) Sunday Tribune of August 28, 1960.

By Mr. THURMOND:

Article entitled "Pakistan Perspective," written by Mohammed Ayub Khan, President of Pakistan.

By Mr. YOUNG of North Dakota:

Article entitled "Penmanship Group Meeting Here Backs North Dakota Action," published in the Bedford (Pa.) Inquirer of August 19, 1960, dealing with emphasis on penmanship and spelling in school.

By Mr. FULBRIGHT:

Telegram to him from Edgar C. Bundy, general chairman, Church League of America, August 26, 1960.

By Mr. BUSH:

Summary of information presented to the U.S. Tariff Commission and the Committee for Reciprocity Information by the Shears, Scissors, and Manicure Implement Manufacturers Association.

By Mr. CASE of New Jersey:

Article entitled "Drugs for Korea," written by Mrs. Adele H. Stern and published in the Bergen (N.J.) Evening Record of March 26, 1960.

Letter written by him, addressed to Prof. Lev E. Dobriansky, chairman of the Ukrainian Congress Committee of America, Inc., relating to the 20th anniversary of the founding of that committee.

By Mr. MAGNUSON:

Editorial entitled "An Alarming Paradox," printed in the June 1960 issue of Marine Engineering Log, dealing with the decline in carriage by American shipping of America's foreign trade.

Resolutions by merchant marine committee, department of New York, American Legion, adopted at Buffalo, N.Y., on August 25, 1960.

By Mr. WILLIAMS of New Jersey:

Editorials from Bergen (N.J.) Evening Record, of Hackensack, N.J., of August 29, 1960, and Passaic Herald News, Passaic, N.J., of the same date, relating to the subject of highways and planning.

ROUTINE MORNING BUSINESS

Mr. JOHNSON of Texas. Mr. President, we shall now have the usual morning hour.

Mr. MANSFIELD. Mr. President, is there any morning business?

The PRESIDENT pro tempore. Morning business is in order: Reports of committees, the introduction of bills and joint resolutions, the submission of concurrent and other resolutions.

If there are no concurrent resolutions, morning business is closed.

Mr. DIRKSEN. Mr. President, before morning business closes, I wanted to be sure that the Senator from New York would be here.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Illinois will state it.

Mr. DIRKSEN. I must confess that I could not hear what the Chair said shortly after the prayer. If we did get by the point for the introduction of bills, I would respectfully ask unanimous consent that that be vacated, so that we could go back to that point in the procedure, in case the Senator from New York had something that he wanted to offer.

The PRESIDENT pro tempore. Is there objection?

Mr. RUSSELL. Mr. President, reserving the right to object, I certainly will accept at face value the statement of the distinguished minority leader that he did not hear the Chair, because I myself have had a little trouble, on occasion, hearing what has transpired here.

But this is a rather unusual procedure. We have had demand after demand that the Senate adjourn, so that we would have a morning hour. The Senate did adjourn. We had a morning hour. It

happened that I did hear the Chair call the order for the introduction of new business. No Senator appeared on the scene to introduce any new legislation or to tender any motions of any kind.

I do not wish to be captious about it. The minority leader, the distinguished Senator from Illinois [Mr. DIRKSEN], has stated in his place that he did not hear the order for the introduction of new matter, under the rule.

The PRESIDENT pro tempore. The Chair said the introduction of concurrent and other resolutions was in order at that stage.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from New York will state it.

Mr. JAVITS. Is that as of right, or is it by unanimous consent?

The PRESIDENT pro tempore. As a matter of right.

Mr. JAVITS. As a matter of right. No unanimous consent is required? Is that correct?

The PRESIDENT pro tempore. That is correct.

DISCHARGE OF THE COMMITTEE ON THE JUDICIARY FROM FURTHER CONSIDERATION OF SENATE BILL 958

Mr. JAVITS. Mr. President, I thank the Chair, and I send to the desk a resolution.

The PRESIDENT pro tempore. The resolution will be read by the clerk.

The resolution (S. Res. 386) was read, as follows:

Resolved, That the Senate Committee on the Judiciary be, and hereby is, discharged from further consideration of the bill (S. 958) to assist in meeting the costs of special professional services needed in carrying out public school desegregation programs, and for other purposes.

Mr. JOHNSON of Texas. Mr. President—

Mr. JAVITS. Mr. President, I ask for its immediate consideration.

Mr. RUSSELL. Mr. President—

The PRESIDENT pro tempore. The Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I should like to have the reporter read the statement that was made by the Chair in order to ascertain just what stage in the morning hour we had reached. I heard the Chair state that morning business was over. I thought I did, and I would like to have that read back to the Senate to determine whether that is correct. I have no objection to the request of the Senator from Illinois. He was asking me about a matter on the Executive Calendar. I thought the Chair asked if there was any morning business and announced the conclusion of morning business. I have no objection to the request of the Senator from Illinois to return to morning business, but I do not want the RECORD to show it is a matter of right, because it is not a matter of right. The Chair had stated morning business was concluded.

Mr. JAVITS. I think it is very important that we have the RECORD read

to see if it is a matter of right. I do not want to avail myself of a unanimous consent if it is a matter of right.

The official reporter (Mr. Herbert N. Budlong) read as follows:

The PRESIDENT pro tempore. Morning business is in order: Reports of committees, the introduction of bills and joint resolutions, the submission of concurrent and other resolutions.

If there are no concurrent resolutions, morning business is closed.

Mr. JOHNSON of Texas. Mr. President, I submit that is the statement I heard. It is up to the Senator to make his decision.

Mr. JAVITS. Mr. President, I would like to say to my colleague, if I may be recognized, it is very well known why an adjournment was taken.

Mr. JOHNSON of Texas. An adjournment was taken because the majority leader decided it was appropriate to adjourn, not because anybody put a pistol to his temple.

Mr. JAVITS. It was not because anybody put a pistol to his head. I think I would have a right to be extremely unhappy over that statement in view of the fact that on the floor yesterday I stated I respected the leadership and would not contest that, and said I did not intend to. It seems to me I was very polite to him and very decent about the whole situation. I was not trying to raise a question about that.

Mr. JOHNSON of Texas. The Senator from Texas is not raising a question about somebody being polite. The Senator from Texas raised the question whether morning business had been concluded. It had been concluded. The minority leader asked consent to return to it, and I am willing to give him that consent. If the Senator from New York does not want to operate under those conditions, it is up to him.

Mr. JAVITS. When I asked the Chair whether it was of right or whether it was by consent, the Chair said it was a matter of right. I would prefer, naturally, to proceed as a matter of right. That was my view, and that was the view I expressed.

Mr. JOHNSON of Texas. The Senator heard the RECORD read.

Mr. JAVITS. I did. That is the first time I did hear the RECORD. May I say, too, in all kindness, 10 minutes after 10 was the time I arrived in the Chamber. It would seem to me, even from my own side, a quorum call could have been asked for if this matter was going to be gone through quickly.

Mr. JOHNSON of Texas. I am sure if the Senator had desired one and had made that suggestion he would have been within his rights. I do not know what steps the Senator took. I was here at 10 o'clock. I am here every morning when we meet.

I have no disposition to preclude the Senator from proceeding, but since he talks about not wanting to do it unless it is a matter of right, I want him to know what his rights are.

Mr. JAVITS. This is the first time I have known about it. I thank the Senator.

I now send the resolution to the desk and ask to have it read—

Mr. RUSSELL. Mr. President, reserving the right to object, I stated a few moments ago I would not object to the request of the minority leader, inasmuch as he had stated in his place he did not hear the Chair state the morning hour had been closed, and that it ought to be reopened, but I must object to any request from the floor for introduction of new matter after that point has passed.

If the minority leader, not having heard the Chair state that morning business was closed, makes the request that we return to the introduction of concurrent and other resolutions, I shall not object, but I shall object to the introduction of this matter from the floor.

The PRESIDENT pro tempore. The Chair is advised by the Parliamentarian that the Senator from Illinois was seeking recognition at the time.

Mr. DIRKSEN. Mr. President, I renew my unanimous-consent request that we return to morning business. Let me say in explanation that I was conferring with the majority leader and directing his attention to an item on the Executive Calendar.

I cannot oftentimes well follow all things at once, although the presumption is that every Member of the Senate should know that after the prayer we start on the regular procedure, after adjournment, with the morning business. If I have been in error in that respect, I freely confess my sins.

I renew my request, because I feel duty-bound, because of the adjournment last night, that the distinguished Senator from New York should have an opportunity to submit the resolution he is proposing to offer.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. JAVITS. Mr. President, I send to the desk a resolution and ask to have it stated.

The PRESIDENT pro tempore. The resolution has been read.

Mr. JAVITS. I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection?

Mr. RUSSELL. Mr. President, may I understand what the request was?

The PRESIDENT pro tempore. The Senator from New York has asked for present consideration of the resolution.

Mr. RUSSELL. Mr. President, there is objection to that request or to any other proceedings that require unanimous consent under this resolution.

The PRESIDENT pro tempore. In view of the objection, the resolution will go over 1 day, under the rule.

Mr. JAVITS. Mr. President, a parliamentary inquiry. At what point in the proceeding may I make a brief statement with reference to this resolution?

The PRESIDENT pro tempore. Under the present situation, there is a bill under consideration. The Senator will have to get time from somebody in control of the time, because the time on the bill is under control.

Calendar No. 1971

86TH CONGRESS
2D SESSION

H. R. 12759

IN THE SENATE OF THE UNITED STATES

AUGUST 31, 1960

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. JAVITS to the bill (H.R. 12759) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, viz: At the end of the bill add a new section as follows:

1 SEC. 2. Section 501 of such Act is amended by striking
2 out the period at the end of paragraph (6), and inserting a
3 semicolon in lieu thereof; and by adding at the end of such
4 section a new paragraph as follows:

5 “(7) to establish specific criteria for judging
6 whether the employment of Mexican agricultural work-
7 ers in the United States is adversely affecting or will
8 adversely affect the wages, working conditions, or em-
9 ployment opportunities of domestic workers similarly
10 employed. Such criteria shall include but shall not be

1 limited to (a) failure of wages and earnings in activi-
 2 ties and areas using Méxicans to advance with wage
 3 increases generally; (b) the relationship between Mexi-
 4 can employment trends and wage trends in areas using
 5 Mexican workers; (c) differences in wage and earning
 6 levels of workers on farms using Mexican labor com-
 7 pared with nonusers.”

AMENDMENT

Intended to be proposed by Mr. JAVITS to the
 bill (H.R. 12759) to amend title V of the
 Agricultural Act of 1949, as amended, and
 for other purposes.

AUGUST 31, 1960

Ordered to lie on the table and to be printed



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of America

Congressional Record

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WASHINGTON, THURSDAY, SEPTEMBER 1, 1960

No. 148

Senate

(Legislative day of Wednesday, August 31, 1960)

NOTICE

The last issue of the daily Congressional Record for the second session of the Eighty-sixth Congress will be published not later than Wednesday, September 21, 1960. It is requested that copy and proofs of speeches withheld for revision, or extensions of remarks as authorized by either House, be submitted to the Government Printing Office or to the Congressional Record Clerk, Statuary Hall, Capitol, before that date.

By order of the Joint Committee on Printing.

CARL HAYDEN, Chairman.

[Senate Proceedings of August 31, 1960]

EXTENSION OF MIGRANT AGRICULTURAL LABOR ACT

Mr. MANSFIELD. Mr. President, I ask that the Senate turn to the consideration of Calendar No. 1971, H.R. 12759.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H.R. 12759) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with an amendment, to strike out all after the enacting clause and insert:

That section 509 of the Agricultural Act of 1949, as amended, is amended by striking "June 30, 1961" and inserting "December 31, 1961."

Mr. HAYDEN. Mr. President, the bill as passed by the House provided for a 2-year extension of the Migrant Agricultural Labor Act. The Committee on Agriculture amended the bill to provide for a 6-month extension, until June 30, 1961. Some objection was raised, but I understand it was the general understanding that this shorter time would be allowed.

If it is not passed, the farmers in California, Arizona, New Mexico, Texas, and similar areas cannot finance their crops for the next year; whereas if it is passed, then we shall have the next session of Congress in which to discuss this whole problem. So I think it proper that the bill be passed.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, will the Senator from New York withhold that suggestion for a moment?

Mr. JAVITS. Yes.

Mr. MANSFIELD. Will the Senator from New York explain why he has suggested the absence of a quorum?

Mr. JAVITS. Yes; because I have an amendment, and I wish to finish my preparations in that connection and discuss the matter with several of my colleagues. I think the same probably may be said of several other Senators.

Mr. MANSFIELD. Very well.

The PRESIDING OFFICER (Mr. McGEE in the chair). The absence of a quorum has been suggested, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Arizona has the floor.

Is there objection to the request of the Senator from Arizona to proceed to the consideration of H.R. 12759?

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. Will the Chair state for the information of the Senate what is the nature of the bill that is presently before us?

The PRESIDING OFFICER. The clerk will read the bill.

The Chief Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 509 of the Agricultural Act of 1949, as amended, is amended by striking "June 30, 1961" and inserting "December 31, 1961."

Mr. DIRKSEN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. Is this the bill that relates to Mexican migrant labor?

Mr. HAYDEN. Yes; it provides for a 6 months extension of existing law.

Mr. KEATING. Mr. President, will the Senator yield to me? Yesterday I sent to the desk an amendment to H.R. 12759. I had in mind offering this amendment and pressing it as hard as I could should the Senate consider a long-term, for example a 2-year, extension of Public Law 78. I do not intend to press the amendment at this time on this bill, which is for a 6-month extension, but ask unanimous consent to insert a statement at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KENNETH B. KEATING
ON H.R. 12759

Although I favor making certain changes in Public Law 78, I join with many of my colleagues who are at this time willing to permit this act to be extended for 6 months with no changes. However, I want to make it clear that I favor some changes along the lines of the amendment which I sent to the desk yesterday. I intend to join with those who have expressed reservations about

this bill to see to it that it is significantly revised when this 6-month extension expires and it is again before us for action.

Section 503 of Public Law 78 relating to Mexican Farm Labor states that no Mexican worker shall be available for employment in any area unless the Secretary of Labor has determined and certified that (1) sufficient domestic workers are not available, (2) the employment of Mexican workers will not adversely affect the wages and conditions of domestic workers and (3) "reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers."

This amendment strikes the words "wages and standards hours of work comparable to those offered to foreign workers" which appears in the third proviso above. It inserts in lieu thereof the words "terms and conditions of employment at least equal to those offered to foreign workers." The net effect of this amendment would be to strengthen the intent and tone of this statute with respect to avoiding having the employment of Mexican farm workers undermine employment conditions for domestic farm workers. The Secretary already has been given such power. My amendment would simply say that instead of saying that conditions are comparable, he should see to it that conditions of domestic workers in areas where they compete with Mexican workers are "at least equal" to those for Mexicans. It seems to me that this is only fair, that Americans should receive the same protection under the law as do aliens.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. CHAVEZ. Mr. President, while there is quite a group of Senators present, I want to say something about Mexican labor. The average farmer, whether he is in the Southwest or New York or Michigan, could not harvest his crop without Mexican labor. There is an understanding between the Mexican Government and the American Government on the matter. Our boys do not do such work any more. In my State, and the Senator from Arizona knows it is true in his, local boys will not pull those large sacks of cotton any more. In order to harvest cotton, we must have Mexican labor. This bill would extend the act for 6 months.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. McCARTHY. Mr. President, I regret that the proposed legislation has come before the Senate at this late hour. The question of Mexican migrant labor has been of concern to the Congress ever since it was initiated in World War II. Year after year it is presented as temporary and emergency legislation.

Congress has given a great deal of attention to it, but has never succeeded very much in working out a satisfactory solution. Last year the President set up a special commission. The Mexican farm labor consultants' report was filed in February 1959. Congress had enough time to give adequate consideration to its recommendations, and, according to the Secretary of Labor, no such adequate attention has been given or been

paid to the recommendations of these consultants.

I have in my hand a letter dated July 20, 1960, from the Secretary of Labor. Let me note again the date, July 20, 1960. The letter is over the signature of the Secretary of Labor, and these words are contained in that letter:

On the basis of the evidence available to the Department of Labor, we subscribe to the recommendations of the consultants against any extension of the program without a strengthening of the protections for domestic employment.

Let me repeat that sentence:

On the basis of the evidence available to the Department of Labor, we subscribe to the recommendations of the consultants against any extension of the program without a strengthening of the protections for domestic employment.

This bill is a simple extension; it provides no protection for domestic workers.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. HOLLAND. This matter was discussed at a rather fully attended meeting of the Committee on Agriculture and Forestry. There is a grave difference of opinion between the membership as to the wisdom of a general or lengthy extension of this legislation; but all of us, in consideration of the lateness of the hour—and this just came up at our last meeting—and in consideration of the fact that farmers in the area affected who cannot harvest their crops in the months from January to June, but, instead, have to plant them in the early part of the year and harvest and market them later are entitled to some consideration, and in further consideration of the fact that the matter will have to be reexamined and restudied and some law enacted on the subject matter next year, or else there will be no law remaining, we felt that the really decent thing to do for the people involved would be to adopt a simple 6 months' extension.

It was simply impossible, in the short time remaining, to work out the details.

I think I am stating the matter fairly when I say that even those who agree most fully with the distinguished Senator from Minnesota that some changes are required in the act—and there are some on our committee—felt the fair thing to do was to have a 6-month extension. I am sure the able chairman of the committee will bear out my statement in this regard.

Mr. ELLENDER. Mr. President—

Mr. McCARTHY. I yield to the Senator from Louisiana.

Mr. ELLENDER. As passed by the House, this bill would extend the Mexican farm labor program for 2 years, until June 30, 1963. The Senate Committee on Agriculture and Forestry, in reporting on this bill, recommended an amendment limiting the extension to 6 months, that is, until December 31, 1961.

The House Committee on Agriculture held hearings on a number of bills to extend this program in March of this year. There is a considerable demand for extension of this program among agricultural producers. They say they need this labor in order to produce their

crops and that there is not an adequate supply of domestic agricultural workers at the right time and place that is willing to do the type of stoop labor and other work that the Mexicans are anxious to obtain.

On the other hand, some of the witnesses felt that some changes should be made in the program when it is extended. Last year, the Secretary of Labor appointed a committee of consultants to study the program. They reported that:

The committee has concluded that, on balance, the case in favor of renewing Public Law 78 on a temporary basis is more conclusive than the arguments against its renewal.

The committee of consultants further reported:

The committee's support of a temporary renewal of Public Law 78 is conditioned on its being substantially amended.

The substance of the consultants' recommendations was incorporated in the McGovern bill, H.R. 11211, which was rejected by the House Committee on Agriculture, and in the Fogarty amendment to H.R. 12759, which was rejected by the House on a division vote of 51 to 138. Both of the Senators from Minnesota, together with a number of other Senators, introduced in the Senate a bill, S. 3666, which is identical in substance to the Fogarty amendment. The Department of Labor recommended that no action be taken on S. 3666 this year or H.R. 12759, because of the need for examining carefully the questions raised. The Department of Agriculture also recommended against consideration of either bill this year, indicating that it believes no changes in the program are necessary.

The authority for the program was enacted in 1951. It has been extended from time to time and expires June 30, 1961. After that date, no workers may be made available under it. June 30 falls in the midst of the period when these workers are most needed. In order to make their production plans and obtain financing, the producers must know now whether workers will be available to harvest the crop next year. The Department of Labor states that its consultants' recommendations require further consideration. The Department of Agriculture indicates that it may be opposed to them after considering them further. It is obvious that the bill needs extension immediately, at least to cover the entire producing period in 1961, and that such extension cannot wait until the executive departments have determined what proposals for changes they wish to make. Extension through 1961 will provide full opportunity for careful consideration next year of any proposed changes.

When the proposal came before the committee there was much objection to the extension of the act for 2 years. One of the chief opponents of the extension for 2 years was my good friend from Minnesota [Mr. HUMPHREY] who does not happen to be present tonight.

With the understanding that the extension would be for 6 months only, the opposition which was in the committee was withdrawn. As I understood the proposal, there would be no serious ob-

jection to the extension of the act for 6 months if the committee next year were to take up the proposal to extend it for a longer period of time, taking into consideration the suggestions made by members of the committee, or the studies made and recently referred to by my good friend from Minnesota.

It is my hope, as pointed out by the distinguished Senator from Florida and by other Senators, that the law as it now exists will be extended 6 months until December 31, 1961. It would not be proper for the law to expire in the midst of a harvest. That is what prompted the committee to agree to extend the act for 6 additional months, in the hope that next year those who now propose amendments will have an ample opportunity to present the amendments before the committee.

I give assurance that if I am elected, and if I remain the chairman of the Committee on Agriculture and Forestry, we shall take up the proposal next year and give full hearings to all the amendments which I understand may be proposed tonight.

I express the hope that the amendments will not be offered, Mr. President, but that we can extend the act for 6 months without further amendment.

Mr. McCARTHY. I say to the Senator that the effect of extending the act for 6 months is to extend it for another year. I should like to ask the distinguished chairman of the Committee on Agriculture and Forestry whether any hearings were held this year before the Committee on Agriculture and Forestry of the Senate on this question.

Mr. ELLENDER. No; not to my knowledge. We have a subcommittee in charge of the bill, but it did not hold hearings on this bill. The House held hearings.

Mr. McCARTHY. The Senate did not give any consideration to this problem, even though the committee knew the act was to expire in June and knew that if the act were not extended the farmers would be embarrassed because they could not plan for the full year?

Mr. ELLENDER. I will say to my good friend that we have divided our committee into four separate subcommittees. The colleague of the distinguished Senator, the Senator from Minnesota [Mr. HUMPHREY], is chairman of the subcommittee which deals with the farm labor situation. We were depending on the hearings held by the House. For that reason, hearings were not held by the Senate committee. It was felt the hearings held before the House were sufficient.

Mr. McCARTHY. If the hearings were sufficient, then why did the Senate Committee wait to act? When did the Senate Committee on Agriculture and Forestry act on the bill? Was it last week?

Mr. ELLENDER. Last Tuesday, August 23.

Mr. McCARTHY. Last Tuesday. That did not give the members of the Senate much time to work on the bill, in case Senators desired to offer amendments. Obviously, the bill came to us only in the press of the closing days of this session of Congress.

Mr. ELLENDER. The House passed the bill on June 29, and it came to us on June 30 and was immediately referred to the subcommittee headed by my good friend from Minnesota [Mr. HUMPHREY].

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. HAYDEN. Mr. President, I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I have heard from both sides of the controversy. I have heard from the farmers in California and in the Southwest States who are worrying about planting their crops between now and next July. I sympathize with their plight. I believe I understand it. I have also heard from the Department of Labor. We have had communications from the Department of Agriculture.

We have heard from others who think we ought not to renew this program at this time, until there is a better device for protecting domestic labor.

I happen to come from a part of the country which, through the harvest season, gets additional labor not from Canada as we used to, but from the State of my good friend from Florida [Mr. HOLLAND]. These laborers come north for the fall, and they combine good work, which they like to do, with a sort of a vacation.

I think that a good solution to the problem would be to pass this proposed legislation, which will extend the program for 6 months, to take care of the coming work on next year's crops, and not ask for a conference.

There is grave fear that if we go into a conference with the House, the Senate, as is sometimes the case, will get the short end of it, and if we seek to extend the act for 2 years or 1½ years, there is a probability there will be no legislation at all.

We need this proposed legislation to complete harvesting of next year's crops. It seems to me such a course would represent the best solution to the problem.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. HAYDEN. I yield.

Mr. JAVITS. I am on the committee on Labor and Public Welfare. I am very interested in the subject of labor. I should like to support the Senator from Vermont.

Mr. President, I have an amendment which is designed to quiet a lot of litigation, in situations in which the Secretary of Labor has been engaged in litigation because there are no criteria in the act which is being extended. The effort of my amendment would be to establish necessary criteria.

I understand this is a difficult and trying problem, upon which people would wish to be heard on both sides, as to the complications in the amendment, although I think its adoption is justified.

I agree with the Senator from Vermont. I think, with the kind of attention which is fixed upon the proposal now, if the bill should be allowed to pass without amendment we can get action. Would the Senator accept instructions

to conferees? We do not need that. The Senator from Arizona can tell us. We all love him dearly. Would the conferees bring us back a 6-month extension, or nothing at all? I should like to agree with the Senator from Vermont.

Mr. HAYDEN. I guarantee either the House will accept this extension or there will be no law.

Mr. JAVITS. I hope my colleagues, who are as interested as I, have heard this statement.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. McCARTHY. Is it agreeable to the Senator from New York to accept this?

Mr. JAVITS. It is acceptable to me on the basis outlined by the Senator from Vermont, with the assurance that seasonably, in the next session, we shall really have a go-round on these very grave difficulties which have arisen with respect to the act, that the Secretary of Labor shall have a full opportunity to be heard, and so shall we. On those understandings, knowing as we do that the Senator from Arizona would never reply this way if it were not so, I would say we ought to go along at this point.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. WILLIAMS of New Jersey. I certainly share the views of my friend from New York. We have a deep interest in seeing that, while we have a program of bringing workers from Mexico, our own domestic workers are properly treated.

Mr. HAYDEN. I have no disagreement in principle with the Senator, at all.

Mr. WILLIAMS of New Jersey. I realize that. We have several amendments we are prepared to offer. With the understanding that certainly this will be simply an extender of 6 months, I shall not offer the amendments I had intended to offer. I join the Senator from New York, and I believe the Senator from Minnesota, in expressing the hope that at an early time these proposals will be considered by the committee.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield to the Senator from Montana.

Mr. MANSFIELD. On the basis of the discussion held and the assurances given by the chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana [Mr. ELLENDER]; the senior ranking member of the minority party on the Committee on Agriculture and Forestry, the Senator from Vermont [Mr. AIKEN]; and the sponsor of the resolution, the Senator from Arizona [Mr. HAYDEN]; we have about as absolute a guarantee as could be given to anyone. I urge the passage of the measure.

Mr. McCARTHY. Mr. President, I ask unanimous consent that some remarks of mine may be printed in the RECORD at this point.

There being no objection, the statement and letters were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MCCARTHY

Those of us who have been interested in improving the conditions of migratory workers have agreed to the 6-month extension of Public Law 78, in order that the next Congress can have an opportunity to make a thorough study and revision of the Mexican farm labor program.

The program has always been presented to the Congress as a temporary measure to relieve a shortage of seasonal agricultural workers. In fact, however, the program has expanded greatly, with the number of Mexican nationals increasing until now almost a half-million are brought in yearly under contract.

The program has also been based upon the principle that the use of this service shall not have an adverse effect upon the employment opportunities, the wages and the working conditions of domestic migratory laborers.

The most serious charge against the operation of Public Law 78 is that it has resulted in lower wages and worse working conditions for domestic workers. A large number of social and religious groups have been concerned. So has the Department of Labor, which has the responsibility for the administration of the program. A special group of consultants appointed by the administration to study the Mexican farm labor program came to a unanimous agreement that it had several adverse effects upon domestic workers and they opposed extension of the program without a number of changes which would safeguard the rights of domestic agricultural workers.

The position of the Department of Labor is expressed in the letter from the Secretary of Labor, Mr. Mitchell:

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 20, 1960.

The Honorable ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and
Forestry, U.S. Senate, Washington, D.C.

DEAR SENATOR ELLENDER: This is in further response to your request for our comments on S. 3666, a bill "To amend title V of the Agricultural Act of 1949, as amended, to provide protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes."

In extending for 2 years the program for recruitment of Mexican nationals for agricultural employment in the United States the bill would tighten in several respects the conditions under which such workers could be used. Mexican nationals could be used only in seasonal or unskilled employment. In addition, S. 3666 would require independent and direct employer efforts to recruit domestic workers, not only at the same wages and hours of work as those offered the Mexican workers but also at the other terms and conditions of employment as those offered the foreign workers. The measure would also require employers to pay domestic workers already in their employ at wage rates no less favorable than those required to be paid the Mexican workers. The Secretary of Labor would be given specific authority to regulate the number of Mexican workers available for any employer, to establish criteria for determining whether the employment of such workers is adversely affecting the working conditions or employment opportunities of domestic farmworkers, and to issue necessary rules and regulations.

The Department of Labor is concerned that the continued wide-scale use of Mexican nationals, approximately 450,000 annually, in agricultural employment in this country may not be in the best interests of U.S. agricultural workers and employers. For this reason the Secretary of Labor in 1959 had an independent study made of the Mexican labor program. The unanimous conclusion of

the consultants, representing varying points of view, conducting the study was that there are indications that in some cases the use of Mexican workers is having an adverse effect upon the wages, working conditions, and employment opportunities of our own agricultural workers. They recommend that there be no extension of the program unless adequate remedial amendments are adopted.

On the basis of evidence available to the Department of Labor, we subscribe to the recommendation of the consultants against any extension of the program without a strengthening of protections for domestic employment. However, because of the need for examining carefully questions raised with respect to the wisdom of specific proposals to strengthen the program in the best interests of United States farmworkers and employers, we recommend that no action be taken this year either to extend or amend the Mexican labor program. The program does not expire until June 30, 1961, so that full consideration can be given to the matter in the next session of Congress.

The Bureau of the budget advises that it has no objection to the submission of this report.

Sincerely yours,

JAMES T. MITCHELL,
Secretary of Labor.

I should also like to include several statements and letters which indicate the opposition and reservations which individuals and groups have about Public Law 78.

The first is a statement presented by Rev. Shirley E. Greene at the hearings held by the Committee on Agriculture of the House of Representatives. Reverend Greene appeared in behalf of the National Council of Churches of Christ in the U.S.A. He stated:

"As a result of this long and intimate contact with migratory workers and their families and this continuing study of what is needed to accord them a measure of justice commensurate with the vital service they render to every food-consuming person in the Nation, the council's general board adopted on February 25, 1960, a resolution bearing upon the Mexican worker importation program. This I will quote in full since it sums up the position of the council on the primary subject of the session here today.

"The statement is titled 'The Future of the Mexican Agricultural Worker Importation Program (Public Law 78, 82d Cong.)'. It reads as follows:

"Whereas Public Law 78 (82d Cong.) providing for the importation of Mexican nationals for agricultural labor in the United States involves human and ethical issues of grave concern to the conscience of Christian people; namely,

"(a) The importation program has injurious effects on the family and community life both of the Mexican nationals who are imported and on the domestic workers who, because of the presence of Mexican nationals, are deprived of employment or find it necessary to migrate in search of employment;

"(b) Importation tends to produce a labor surplus thereby depressing wages and labor standards for domestic agricultural workers; and even if the United States has failed to make the necessary adjustments to enable all farmers to secure an equitable share of the national income there is no moral justification for perpetuation of substandard wages for agricultural labor;

"Whereas the general board of the National Council of Churches has, from time to time, adopted policy positions which are relevant to this situation; Therefore be it

"Resolved, That the General Board of the National Council of the Churches of Christ in the U.S.A. is opposed to the extension of Public Law 78 (82d Cong.) in its present form; but, to avoid hardships on employers and workers who have come to rely on this program, we approve the extension of the farm labor importation program (Public Law

78) in amended form for a temporary period with a specific date of final termination and with definite provisions for annual reductions in volume written into the act; and furthermore

"Even for this period of transition, we recommend that amendments be adopted designed to bring about the following improvements in the legislation:

"(a) Limitation of the program to temporary labor shortage situations and to unskilled, nonmachine jobs;

"(b) Assurance that diligent efforts have been made by both employers and the Bureau of Employment Security of the Department of Labor to recruit domestic labor at a wage adequate for health and welfare before any certification of need for Mexican nationals is made by the Department;

"(c) Removal of the "certification of need" procedures as fully as possible from undue local pressure by growers;

"(d) Determination of prevailing wage rates for Mexican nationals by the Department of Labor at a level that will not depress wages which might be offered domestic workers or prevent their seeking such employment;

"(e) Inclusion in the law of specific provisions with respect to promulgations of rules and regulations by the Secretary of Labor which will insure observance of the intent of the law; and adequate provision for enforcement including authorization of sufficient inspection and enforcement personnel, and appropriate penalties for violation;

"(f) Establishment of an appeal procedure available to growers or workers where findings of violation are made; and, be it further

"Resolved, That in taking this position we recognize that certain other aspects of our national policy are intertwined with the operations of the Mexican importation program and that we recognize that a responsible policy which provides for early termination of that program must also come to grips with the following related issues:

"(a) The necessity of providing adequate enforcement of the immigration laws on the Mexican border to prevent resurgence of the vast influx of so-called wetbacks of a few years ago and strict interpretation of the provisions of the immigration laws so as to prevent circumvention of the termination of the Mexican importation program;

"(b) The readiness of the U.S. Government to develop, with the Mexican Government, such programs of economic and technical aid as may be required at least to offset any injury the Mexican economy may suffer from the termination of the Mexican importation program; and be it further

"Resolved, That the general board authorize representatives of the National Council of Churches to testify at hearings in respect to Public Law 78 (82d Cong.) along lines indicated above."

Another critic of Public Law 78 is Archbishop Robert E. Lucey, of San Antonio, who was one of the five members of President Truman's Commission on Migratory Labor in 1951.

A recent address of his is reported in the press as follows:

"CALLS FARM LABOR IMPORT A 'RACKET'

"ST. LOUIS.—A leading church authority on farm problems has condemned the 'powerful growers who perpetuate the ghastly international racket (of Mexican farm labor import) against the demands of public opinion and against the conscience of our people.'

"Archbishop Robert E. Lucey, of San Antonio, told a gathering here that his remarks were not intended as a universal indictment of all farmers. He noted that 'this bracero (Mexican farmworker) program has struck a deadly blow at small farmers and farmworkers.'

"Archibishop Lucey, executive chairman of the Bishops Committee for the Spanish Speaking, addressed his remarks to the 10th annual meeting of the committee. The archbishop has been an outspoken critic of Public Law 78, which authorizes the importing of bracero labor for agricultural work in the United States and is based on treaties with Mexico.

"The archbishop also lashed out at 'those Members of Congress who stand in fear and trembling before the organized might of the farm bloc ready always to vote for the strong against the weak.'

"Also taking to task certain State legislators, the San Antonio churchman said that 'in a democracy we must expect to find some legislators who are little men in large assignments; who will not risk their tenure of office for justice' sake; who see in special privileges for the strong and misery for the weak a mandate from their constituents.'

"Coming back to the large growers, he said that the large corporation farm gets its labor cheap whether the workers are Mexican nationals or domestic migrants. 'This means,' he stated, 'that the toll of the small farmer has no greater value in the market than the work of the underpaid and exploited migratory worker.'

"The archbishop cited the willingness of some growers and organized farmers to seek justice, but he said that despite their good will, the system needs revamping.

"The archbishop suggested that his listeners put themselves in the place of the large growers so that 'we can see how logical it is [for them] to demand the indefinite continuation of the bracero program.' He added:

"Think how helpful it is to growers to flood the labor market with half a million aliens. This causes unemployment among citizen workers, depresses farm wages, makes labor unions impossible, puts the family-size farm in a bad way, and gives employers an abundance of cheap, docile laborers,' he said."

I include also some of the letters which I have received concerning the proposed extension of Public Law 78 and which indicate, I believe, the concern of members of many groups about this program. This testimony reinforces the need for the next Congress to take sufficient time to reevaluate and revise the Mexican farm labor program.

WASHINGTON, D.C.,

August 25, 1960.

DEAR SENATOR: We urge you to recommit H.R. 12759 to the Senate Agriculture Committee and instruct the committee to hold hearings on this matter in 1961. The bill, as reported, would extend the Mexican farm labor importation program for an extra 6 months, or until December 31, 1961.

We recommend postponement because many questions have been raised as to the social costs of the present program; these questions have not yet been considered by the committee in public hearings. Such hearings could easily be held next spring, since the present program is not scheduled to expire until June 1961.

H.R. 12759 as reported, is particularly inadequate in that it does not authorize the Secretary of Labor to determine the need and set standards for the employment of Mexican workers. This authorization was recommended last year by a distinguished group of impartial consultants to the Secretary of Labor.

We believe that such authorization is absolutely essential since the mass importation of Mexican farm labor without adequate regulation of wage rates and working conditions has far-reaching adverse effects on American farmworkers and family farms—segments of our economy already in serious distress.

Sincerely yours,

E. RAYMOND WILSON.

AUGUST 25, 1960.

DEAR SENATOR MCCARTHY: We understand that a bill to extend Public Law 78, which governs the importation of Mexican farmworkers, may come to the floor of the Senate during this special session. A bill to extend the program was passed by the House in June after prolonged debate. This bill, H.R. 12759, was recently voted out by the Senate Agriculture Committee.

We urge you to vote against this bill for two reasons. The program seriously undermines the wages and employment opportunities of domestic farmworkers. It is well known that they are the lowest paid, least protected and most underemployed section of our labor force. To continue the importation of low-cost foreign labor can only further depress the conditions of these workers.

Furthermore, Public Law 78 does not expire until June 30, 1961, so there is no need for hasty action at this time. A number of important measures are still pending Senate action and these should certainly have priority over a program which continues in effect until months after the convening of the 87th Congress.

As you know, Public Law 78 has been the object of widespread and thorough-going criticism. The Secretary of Labor, who administers the program, recommends against action at this time, and a committee of distinguished consultants whom he appointed to study the program has urged that it not be continued unless certain safeguards were added to protect the wages and job opportunities of American farmworkers. These safeguards have not been added. Nor has any Senate committee held hearings on this bill. We feel sure you agree that such a controversial measure should not be acted upon until such hearings can be conducted.

The enclosed New York Times editorial, which was written about an earlier bill to extend Public Law 78, declares: "The Gathings bill [now the Sisk bill, H.R. 12759] should be decisively defeated and public support given unstintingly to measures designed to protect and improve the recruitment, wages and working conditions of domestic agricultural workers."

Sincerely yours,

ELIOT D. PRATT,
Secretary Treasurer.

IMPORTED MEXICAN LABOR

The time has come for the Nation to consider the termination of the iniquitous Mexican farm labor importation program authorized by Public Law 78. Under it some half million "braceros" are brought into this country every year to harvest crops, with shockingly low wages and poor working conditions, and in competition with domestic farm labor.

Public Law 78 is due to expire next year, but the Gathings bill (H.R. 12176), approved by a reactionary Republican and Southern Democratic majority of the House Agriculture Committee, would extend its life for 2 years more. It would also take away certain powers which the Secretary of Labor now has to protect domestic farmworkers recruited through the U.S. Employment Service.

A countermeasure, however—the McGovern bill (H.R. 12111)—will be introduced when the Gathings bill reaches the floor of the House. It provides for the termination by stages of the Mexican labor program over a 5-year period, and during that time it would amplify and make more specific certain ambiguous and ineffectual provisions of Public Law 78 designed to give protection to American farm labor from unfair Mexican competition.

The Gathings bill should be decisively defeated and public support given unstintingly to measures designed to protect and improve the recruitment, wages, and working conditions of domestic agricultural workers.

AUGUST 24, 1960.

Hon. EUGENE J. MCCARTHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCARTHY: We would like to ask your opposition to a bill which was just reported by the Senate Agriculture Committee and will soon be before the Senate. The bill is, H.R. 12759, which was reported without the committee holding any hearings. It provides for the extension of the Mexican farm labor importation program, Public Law 78, for 6 months after its current expiration date of June 30, 1961.

This proposal would continue without reform the mass farm labor importation program which has caused depressed wages, unemployment, and underemployment among American farmworkers. The 6-month extension may be a maneuver to gain a much longer extension in the Senate-House conference since the House of Representatives has already passed a bill providing for a 2-year extension.

As a consumer organization we are particularly indignant at the defense often made for this shocking program that the consumer gains from it because it provides low prices for food. We cannot and do not subscribe to this theory. No consumer wishes cheap food at the price of the exploitation of fellow human beings. As consumers and taxpayers we resent the fact that some 60 percent of the imported Mexicans are employed to plant and harvest crops which are in surplus, such as cotton. Our tax funds are then used to support the falling prices of the overproduced commodity. This is sheer economic waste and havoc.

We urge you to oppose H.R. 12759. This bill has been subjected to no public hearings in the Senate although it deals with a law which does not expire for another year. We feel that the operation of this law is so objectionable that it should be thoroughly studied by the appropriate Senate committee before any action is taken.

Sincerely yours,

VERA MAYER,
General Secretary,
National Consumers League.

NATIONAL CATHOLIC RURAL

LIFE CONFERENCE,

Des Moines, Iowa, August 24, 1960.

The Honorable EUGENE J. MCCARTHY,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCARTHY: Our organization reiterates its opposition to the extending of Public Law 78 as provided by the Sisk bill (H.R. 12759). We urge that the Senate postpone legislative action in this matter until 1961 at which time it can be considered with fewer political overtones.

Sincerely,

EDWARD W. O'ROURKE,
Executive Director.

AMALGAMATED MEAT CUTTERS AND
BUTCHER WORKMEN OF NORTH AMERICA,
Chicago, Ill., August 24, 1960.

The Honorable EUGENE J. MCCARTHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCARTHY: The Agriculture Committee has reported a bill extending the Mexican farm labor importation program for 6 months beyond its expiration date on June 30, 1961. It approved H.R. 12759 without providing any opportunity for witnesses to be heard—even though this legislation is highly controversial and even though a rival bill, S. 3666, was pending before the committee.

The 6 months extension may sound moderate. But it can actually be the vehicle for a 2-year extension by the Senate-House conference since the House of Representatives passed a 2-year extension.

The Mexican farm labor importation seriously hurts the American farmworker and

the American family farmer. The nearly half-million Mexican braceros imported each year provide a surplus of farm labor, so that the already abysmal wages of farmworkers can be kept at their present low level, or even depressed further. The cheap labor importation also provides the means for large corporation farms, mainly in five States, to have still another unfair competitive advantage over family farms.

Last year, a group of distinguished consultants—including former U.S. Senator Edward Thye, a clergyman, a university chancellor, and a Texas migrant labor official—studied this program for a half year. They unanimously concluded that it should not be renewed without major reform to provide more protection to American farmworkers against the low-wage foreign competition. The reforms they suggested are contained in S. 3666. Yet the Agriculture Committee did not even hold hearings on this legislation or H.R. 12759.

Since the labor importation program does not expire until the middle of next year, we urge that hearings be held next year. We therefore appeal to you to oppose H.R. 12759.

Sincerely yours,

THOMAS J. LLOYD,
PATRICK E. GORMAN.

NATIONAL FARMERS UNION,
August 24, 1960.

DEAR SENATOR: Considering the need for a farm income stabilization and supply management program for farmers and relating such need to the hours, wages and working conditions of hired farm labor, Farmers Union supports the view that farm workers ought to be afforded the same rights under Federal law as other workers and that these rights should be enforced by the same agency of government.

Under present farm labor programs and existing law concerning hired farmworkers, the above policy will not be realized. Farmers Union, therefore, respectfully requests your opposition to H.R. 12759 to extend the Mexican farm labor program. Its enactment will continue to subject American family-farm operators and their wives and children to subsidized unfair competition from industrialized factory-type agricultural enterprises employing and exploiting workers with grossly inadequate wage rates, working and living conditions.

Sincerely,

JAMES G. PATTON,
President.

INDUSTRIAL UNION DEPARTMENT,
Washington, D.C., August 24, 1960.

Hon. EUGENE J. McCARTHY,
U.S. Senate, Washington, D.C.

DEAR SENATOR McCARTHY: We are strongly opposed to the passage of H.R. 12759, the bill extending the Mexican farm labor importation program. This bill was approved yesterday by the Senate Committee on Agriculture without hearings on it or on Senator McCARTHY's pending bill S. 3666, which is concerned with the same program.

H.R. 12759 would continue the Mexican labor importation program without reforms of any kind, despite ample evidence that the importation of almost half a million Mexican workers each year has been a major factor in depressing the wages and preventing improvements in the working conditions of farm workers.

In 1958, the average American farm worker earned only \$761 at farm work. He was able to get farm work only 128 days in the entire year. Such conditions are indefensible in the face of clear evidence that the mass importation of cheap foreign workers is a major contributing factor.

Moreover, this program continues to place the American family farmer in jeopardy. The big farm operators who use most of this

cheap labor gain an unfair competitive advantage over the family farmer who hires little or no labor. (Only 50,000 farmers in the Nation use Mexican labor—a tiny fraction of all our farmers.) The availability of this cheap labor has driven many small farmers out of tomato growing, and has contributed to the accumulation of farm surpluses and the reduction in farm income.

There is a great need for reform of the Mexican farm labor program, reforms recommended by many individuals and groups including Secretary of Labor Mitchell, who administers the program, and his distinguished advisory committee.

Specific suggestions for reforms have been spelled out in S. 3666. Before this program is extended for any period, we urge that full hearings be held and that these suggested reforms, which we support, be given due consideration.

The present law does not expire until June 30, 1961. We urge you to oppose H.R. 12759, and that no action be taken on this program until next year.

Sincerely,

JACOB CLAYMAN,
Administrative Director.

AMERICAN FEDERATION
OF LABOR AND CONGRESS
OF INDUSTRIAL ORGANIZATIONS,
Stockton, Calif., August 26, 1960.

Senator EUGENE J. McCARTHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The Senate Agriculture Committee has reported favorably a bill, H.R. 12759, which would reextend without change the program under which contract workers are imported from Mexico into U.S. agriculture. This bill may reach the floor of the Senate within a matter of a very few days.

H.R. 12759 has not received hearings in the Senate. Hearings in the House revealed vigorous and reasoned opposition from scores of religious, civic, labor, veterans, consumer, and governmental agencies and organizations. The only support for the bill springs from the employers of foreign contract labor. It is understandable that they should wish the extension of this uniquely preferential legislation. But it must be remembered that the Mexican national program, functioning under Public Law 78, profoundly affects the lives of millions of Americans aside from the 50,000 growers who employ this peculiar class of labor. H.R. 12759, which proposes to extend the bracero program in its present form, therefore becomes a matter of grave public importance. We do not have space here to develop the many reasons we feel action on H.R. 12759 is fateful to millions of our citizens. We hope you will have the opportunity to examine the record of the House hearings (March 22–31, 1960). The record reveals that Public Law 78 adversely affects American farmworkers and their families; Americans of Mexican ancestry; America's working farmers and their families; and others.

It is difficult to conceive that the Senate of the United States should consider the retention of legislation which harms so many Americans and helps so few. It is even less conceivable the Senate should act on so serious a matter without adequate discussion and reflection. We therefore specifically urge that you vote to refer H.R. 12759 back to committee when it comes to the floor. We trust that when the 87th Congress convenes in January 1961, the entire question of foreign contract labor—tied in as it is with larger questions of the farm labor market, which in turn are tied in with the question of general farm policy—will receive the careful attention it, and the Nation deserve.

Sincerely yours,

NORMAN SMITH,
Director, Agricultural Workers
Organizing Committee, AFL-CIO.

AMERICAN FEDERATION OF
LABOR AND CONGRESS OF
INDUSTRIAL ORGANIZATIONS,
Washington, D.C., August 26, 1960.

DEAR SENATOR: A bill which would greatly harm the American farmworker and family farmer has been reported by the Agriculture Committee without hearings. The measure is H.R. 12759, which would extend the Mexican farm labor importation program.

The AFL-CIO is unalterably opposed to this bill. We believe that thorough hearings should be held on this highly controversial subject before the Senate is asked to take action. Since Public Law 78, which governs the Mexican farm labor importation program, does not expire until June 30, 1961, there will be ample time for hearings early next year and for the Senate to act. We therefore urge that you oppose H.R. 12759 and that no action be taken this session on this bill.

The Mexican farm labor program has been a major factor in depressing agricultural wages. The 2,300,000 American farmworkers averaged \$761 for their farmwork in all of 1958. They were able to obtain work for only 128 days in the entire year. Yet under Public Law 78, nearly a half-million Mexican farmworkers are imported into the United States each year to worsen terrible conditions of poverty and underemployment among American workers.

The family farmer, the overwhelming majority of whom use little or no hired labor, cannot compete against the cheap labor imported under Public Law 78. The Mexican labor importation program, by depressing wages on corporation farms, provides another means for driving small farmers out of existence.

For these reasons, we urge your opposition to H.R. 12759.

Sincerely yours,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

AMERICAN VETERANS COMMITTEE,
Washington, D.C., August 25, 1960.

DEAR SENATOR: H.R. 12759, an extension of the Mexican Labor Import Act, Public Law 78, has cleared the Senate Agricultural Committee.

This bill has had no Senate hearings and the present law does not expire until next year. This bill is not as bad as the House bill, but it provides for no protection for American farmworkers. If this bill passes the Senate and goes to a conference committee, the chances of worsening the legislation are great.

Congress came back this session to act on several "must" pieces of legislation. Apparently, much of this "must" legislation will not receive favorable action. It would be extremely disappointing if the Senate should spend its time adopting a bad piece of legislation which extends an act that is not scheduled to expire for another year, when for one reason or another it could not act on more important legislation.

We hope that H.R. 12759 does not get scheduled for full Senate consideration. If it does, we respectfully urge that you oppose its passage.

Thank you for your attention.

Sincerely,

J. ARNOLD FELDMAN,
Executive Director.

Mr. McCARTHY. Mr. President, I accept the statements and the commitments made here in the Chamber with the understanding that we will remember this, and not have the same kind of situation a year from now as we have had all too often in the past. There was always the question of time running out and sympathy for the farmers who had

to plant their vegetables. I think the time has come to show some sympathy for the workers, both the Mexicans who are imported into this country, and the Americans who are displaced and forced to move north to seek additional work, with all the concomitant results of displacement of families and economic disorganization that follows.

Mr. JAVITS. Mr. President, will the Senator from Arizona [Mr. HAYDEN] yield for one further suggestion? May I have the attention of the Senator from Minnesota [Mr. McCARTHY]? I suggest to my colleagues that we have printed in the RECORD the amendments that we have proposed to offer as part of the remarks on this subject. Does the Senator feel that such procedure would be satisfactory?

Mr. HAYDEN. I have no objection. I suggest that the Senator proceed to have them printed in the RECORD together with the statement.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

Mr. McCARTHY's amendment:

At the end of the bill add a new section as follows:

"SEC. 2. The first sentence of section 503 of such Act is amended by striking out the word 'and' immediately preceding '(3)'; and by striking out the period at the end of such sentence and inserting in lieu thereof a comma and the following: 'and (4) no worker shall be supplied pursuant to the provisions of this title except for seasonal employment requiring no specialized skills.'"

Amendment of Mr. WILLIAMS of New Jersey:

At the end of the bill add a new section as follows:

"SEC. 2. Clause (3) of the first sentence of section 503 of such Act is amended to read as follows:

"(3) reasonable efforts have been made to attract domestic workers for such employment, including independent and direct recruitment by the employer requesting foreign workers, at terms and conditions of employment comparable to those offered to foreign workers."

Mr. MANSFIELD. Mr. President, I offer the amendment which I send to the desk and for which I ask immediate consideration.

The PRESIDING OFFICER. The Chair is advised of this parliamentary situation. By the action of the voice vote of the Senate in accepting the committee amendments, the amendments being in the form of a substitute for the bill would automatically rule out any additional amendments. Therefore the request will require unanimous consent.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendment be considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. JAVITS. Mr. President, may we hear the amendment?

The PRESIDING OFFICER. The amendment offered by the Senator from Montana will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to add the following new section:

Sec. 6. Section 8e of the Agricultural Adjustment Act of 1933, as amended, and as

reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by inserting in the first sentence thereof after "grapefruit," the following: "shelled walnuts, dates with pits, dates with pits removed, and products made principally of dates,".

Mr. DIRKSEN. Mr. President, reserving the right to object—and the request is open to objection—I ask whether the proposed amendment relates to the Tariff Act and to the importation of dates, shelled walnuts, and other commodities that were recited therein?

Mr. MANSFIELD. Mr. President, in response to what the distinguished minority leader has asked, I wish to say that due to the fact that the Senator from California [Mr. ENGLE] was out of the Chamber temporarily, at his request I introduced this bill. He is now present and can explain it.

Mr. DIRKSEN. I still reserve objection. I will be glad to yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I might add that the opposition to the amendment from agencies of the Government might be classified as rather violent. My sympathies are with the producers. I am willing to say that now, but I would not wish to lose the bill by attaching the proposed amendment to it at this time.

Mr. ENGLE. I proposed only to offer the amendment on the assumption that it would be taken to conference. I understood that the chairman of the House Agriculture Committee would take this over.

Mr. MANSFIELD. Mr. President, I withdraw the amendment.

THE MEXICAN FARM LABOR PROGRAM

Mr. GOLDWATER. Mr. President, I ask unanimous consent to have printed at the proper point in the RECORD, prior to the passage of House bill 12759, a statement I have prepared on that measure.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GOLDWATER H.R. 12759—BRACERO PROGRAM

As the law now stands, Public Law 78, the Mexican farm labor program, is scheduled to be terminated June 30, 1961. If legislation to extend this act is not enacted this session of Congress, large segments of the agricultural industry which have relied on these workers in the past will not be able to plan their operations to harvest the 1961 crop. This means that many growers in my State, particularly cotton people, will face a serious problem in planning for next year's crop; serious for several reasons, but particularly because lending institutions require that growers, as is the case with all other businessmen, be able to outline their future operations and anticipated needs. A cotton farmer, for example, must be able to go to his banker this winter and outline for him next year's operations, or the loan needed to carry him through summer operations is going to be hard to get. The farmer, in other words, if he does not know what is going to happen to his labor supply in June, is going to be left in the lurch.

Supplementary factors to consider if this program is not extended beyond the June 30, 1961, date are:

1. The Department of Labor is going to have to plan ahead early in the year 1961 as to what to do with its employees in the field. This, of course, gets into the matter of termination of service and relocation.

2. The Department of Labor will be planning far ahead of June 30, 1961, as to where its field service people will be relocated. This means that reception centers for Mexican farmworkers will most likely be scheduled for closing June 30. It also means that recruitment programs in this area must be curtailed by June 30, 1961. Both the above considerations can be applied to State services working with the Department of Agriculture in this area.

3. Thirdly, there are budgetary provisions. The Department of Labor must plan in advance its budget requirements for administering the Bracero program. This planning, of course, must be done far in advance of June 30, 1961.

The House-passed version of H.R. 12759 would extend the Mexican farmworker program for 2 years. The Senate Agriculture Committee has reported out a bill to extend this program for only 6 months which will carry the program to December 31, 1961. The Department of Agriculture has reported that it feels it desirable that this program be extended beyond the termination date but wants action delayed until the next Congress. The Department of Labor has said flatly that it does not want this program extended until the Department is prepared to offer certain amendments to the program which the Secretary of Labor feels necessary to broaden his authority in this area.

The point is this; to my knowledge the Secretary of Labor has at this time presented no definite language or specific propositions as to how he would change this program. If the Secretary is prepared to make such recommendations by the next Congress, it is still doubtful that legislation in this area could clear through committees of both Houses and be passed by both Houses in time to continue this program without a substantial lag. This means that at the same time the Department would be taking steps to terminate the program, the Congress would be working with legislation to extend it. To the farmer who must have a reliable labor supply, this means that on June 30, he will probably lose his access to Mexican farm labor and with cotton crops to be harvested in my State during August and September, he is going to be just out of luck. It is for this reason that I ask that this program, if not extended for 2 years as the House has approved, certainly be extended until the end of 1961. This will keep the program from being broken off abruptly when the farmer most needs to count on this labor force. It will enable the Congress and the Departments of Labor and Agriculture to work out legislative changes, if any, felt to be necessary and which could then be smoothly implemented at the beginning of the year 1962. This will allow the farmer to continue planning his crops on a yearly basis with no midyear interruption.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 12759) was read the third time, and passed.

Mr. MOSS. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STATE ACQUISITION OF CERTAIN PUBLIC LANDS FOR RECREATIONAL USE

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2757) to supplement the act of June 14, 1926, as amended, to permit any State to acquire certain public lands for recreational use, which was, on page 1, line 8, strike out all after "words" over through and including "thereafter;" in line 10, and insert "words 'or the State agency or any other agency having jurisdiction over the State park system of said State designated by the Governor of that State as its sole representative for acceptance of lands under this provision.'"

Mr. MOSS. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah.

Mr. ANDERSON. Mr. President, may we have an explanation of the amendment?

The CHIEF CLERK. On page 1, line 8, it is proposed to strike out all after "words" over through and including "thereafter;" in line 10, and insert "words 'or the State agency or any other agency having jurisdiction over the State park system of said State designated by the Governor of that State as its sole representative for acceptance of lands under this provision.'"

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LAUSCHE. Has the amendment gone through the processes provided by the rules of the Senate?

The PRESIDING OFFICER. The amendment being a House amendment to a Senate bill, all the Senate is required to do is to act on the acceptance of the change.

Mr. LAUSCHE. The amendment is then properly before the Senate now?

The PRESIDING OFFICER. It is a privileged matter and is laid before the Senate.

Mr. DIRKSEN. Mr. President, I can get no detail as to whether the amendment was cleared with any minority member.

We would like to know who was consulted with respect to the bill and what appropriate committee would have had jurisdiction. This is a House bill, as I understand.

Mr. MOSS. No, it is a Senate bill reported from the Committee on Interior and Insular Affairs. I introduced the bill, which was passed with an amendment in the House this afternoon.

Mr. DIRKSEN. Who on this side of the aisle on the Interior and Insular Affairs Committee of the Senate has any knowledge of the bill?

Mr. BENNETT. Mr. President, may I respond to that question? I am not on the committee, but I am a coauthor of the bill. The bill is very important to those States that have a State park system. It is one of a series of bills through which over the last 2 or 3 years

we have been working out the problems involved in setting up such systems. I hope the Senate will adopt the amendment. The amendment that came from the House is entirely satisfactory.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield to the distinguished Senator from New Mexico.

Mr. ANDERSON. I think it is fine that the coauthors of the bill agree between themselves that the amendment is satisfactory. However, I do think it should be referred to a member of the Interior and Insular Affairs Committee.

I suggest that the Senator from Idaho [Mr. DWORSHAK] the ranking Republican member of that committee, has seen the amendment. I assure the Senator I have never seen it. I have no objection to the amendment, but I do not think this is quite the way to proceed.

Mr. DIRKSEN. Mr. President, it was represented to us a moment ago that the bill pass the Senate, and that all we are dealing with at the present time is a House amendment to a Senate bill. I wanted to be assured only that it had gone through the proper procedure, and that the amendment in which we are asked to concur is appropriate. We have the word of the distinguished Senator from Utah. I thought perhaps the distinguished Senator from Idaho might have some knowledge on this subject.

Mr. JOHNSON of Texas. Mr. President, I understand from the distinguished author of the bill that the House amendment is merely a restrictive amendment limited only to park lands, and I think we are making much to do about it. The Senators from Utah have no objection to it.

Mr. DIRKSEN. I am glad to accept the statement of the Senator from Utah, who is a coauthor and has some interest in the bill.

Mr. MOSS. Mr. President, I move that the Senate concur in the amendment of the House.

Mr. ANDERSON. Mr. President, will the Senator from Utah assure us that the bill and amendment would not in any way affect the situation at Dinosaur National Monument, Echo Park, or any of those installations?

Mr. MOSS. It has no connection at all or no bearing on that case.

Mr. ANDERSON. The Senator from Utah did a fine job in preparing the park bill. I only wanted to be sure that it did not get that measure confused.

Mr. LAUSCHE. I share the view of the Senator from New Mexico. Two sponsors of the bill tell us that the amendment is proper and acceptable. Has any member of the committee which has jurisdiction over the bill expressed an opinion about the propriety of the amendment?

Mr. JOHNSON of Texas. The author of the bill which has been passed by the Senate has expressed an opinion. The House merely added a restrictive amendment. The bill has already passed the Senate. The amendment is acceptable to the author of the bill, who is a member of the committee. The amendment is acceptable to the ranking minority member of the committee and to the

ranking majority member of the committee, who was examined. It is acceptable to them. The Senate has already passed it without objection. The Senator from Utah is merely moving that the Senate concur in the simple amendment added by the House. It is a restrictive amendment, restricting the bill originally passed by the Senate.

The only mistake that was made was that the Senator from Utah did not check with the staff members at the desk. He understood it had been checked. The minority leader was within his rights to raise the question he raised because it should have been cleared with the staff. The ranking minority member has no objection. I hope the Senate will concur in the House amendment.

Mr. LAUSCHE. Mr. President, this is the first time in my life, in carrying the responsibility of casting my votes, that I have been called upon to sit by watching bills go through the mill. They have been bills about which I knew nothing. I do not contemplate tonight sitting here without knowing what is being passed by the Senate. I will raise objection to the consideration of any bill which under the rules of the Senate must go over. I feel embarrassed in this experience. I am sure there are other Senators also who have no familiarity with the many bills which have been rushed through the Senate. I do not propose any longer tonight to sit by watching the machine move and grind out bills, with some of them not going through the regular process, and my not knowing anything about them. I have no objection to the bill that has been discussed.

The PRESIDING OFFICER. The Chair advises the Senator from Ohio that this being an amendment of the House to a Senate bill, the bill need not go over.

Mr. LAUSCHE. Bills have gone through which have not been processed in conformity with the rules. I serve notice that I will raise objection to any bill being considered which must be held over for 1 day, or if the rules of the Senate have not been complied with in the processing.

Mr. JOHNSON of Texas. Obviously the Senator does not realize that this is a privileged matter. The only mistake the Senator from Utah made is that he did not check the bill with the minority leader. It is a privileged matter. There is no reason why the amendment should not be agreed to without discussion. The House amendment has been gone into by the committee. It has been accepted by the committee. I hope we can get action on the motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah [Mr. MOSS].

Mr. LAUSCHE. I have just one more word to add. It is not more than a half hour since a Member of the House said to me, "You are getting a lot of cats and dogs." I am not going to stand by without learning what is going on.

Mr. DIRKSEN. Mr. President, there are no cats and dogs in the House of Representatives; at least I never saw any over there.

this Act, the former owner or successor in interest of the rights therein shall have the preferential right to reacquire such property on terms as favorable as those terms whereby disposition may be made under such section.

"(Sec. 9. The Secretary is hereby authorized to establish and promulgate such rules and regulations, as are consistent with the directions of this Act and are necessary to carry out the provisions hereof.

"Sec. 10. (a) The provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 637; 5 U.S.C. 1001-1011), as amended, shall apply to any agency proceeding and any agency action taken under this Act, including the issuance of rules and regulations, and the terms "agency proceeding" and "agency action" shall have the meaning specified in the Administrative Procedure Act.

"(b) In any proceeding under this Act for the granting, suspending, revoking, or amending of any license, or application to transfer control thereof, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licensees, the Secretary shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding. Any final order entered in any such proceedings shall be subject to judicial review in the manner prescribed in the Act of December 29, 1950 (64 Stat. 1129; 5 U.S.C. 1031-1042), as amended, and to the provisions of section 10 of the Administrative Procedure Act.

"Sec. 11. The provisions of the Natural Gas Act of June 21, 1938 (52 Stat. 821; 15 U.S.C. 717-717w), as amended, shall not be applicable to the sale, extraction, processing, transportation, or storage of helium either prior to or subsequent to the separation of such helium from the natural gas with which it is commingled, whether or not the provisions of such Act apply to such natural gas, and in determining the rates of a natural gas company under sections 4 and 5 of the Natural Gas Act, as amended, whenever helium is extracted from helium-bearing natural gas, there shall be excluded (1) all income received from the sale of helium; (2) all direct costs incurred in the extraction, processing, compression, transportation or storage of helium; and (3) that portion of joint costs of exploration, production, gathering, extraction, processing, compression, transportation or storage divided and allocated to helium on a volumetric basis.

"Sec. 12. (a) The Secretary is authorized to borrow annually from the Treasury and credit to the fund established under section 6(f) of this Act such amounts as may be authorized in the initial appropriation Act and which may be increased from time to time in appropriation Acts and as are necessary to carry out the provisions of this Act and contractual obligations hereunder.

"(b) For the purpose of this section the Secretary may issue to the Secretary of the Treasury notes, debentures, bonds, or other obligations to be redeemable at the option of the Secretary before maturity in such manner as may be stipulated in such obligations. The Secretary of the Treasury is authorized and directed to purchase any obligations issued by the Secretary under authority of this section and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of obligations of the Secretary hereunder.

"Sec. 13. Whoever willfully violates, attempts to violate, or conspires to violate, any provision of this Act or any regulation or

order issued or any terms of a license granted thereunder shall, upon conviction thereof, be punished by a fine of not more than \$5,000 or by imprisonment for not more than two years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation, shall upon conviction thereof, be punished by a fine of not more than \$20,000 or by imprisonment for not more than twenty years, or both.

"Sec. 14. Whenever in the judgment of the Secretary any person has engaged or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this Act, or any regulation or order issued or any term of a license granted thereunder, any such act or practice may be enjoined by any district court having jurisdiction of such person, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States.

"Sec. 15. It is the sense of the Congress that it is in the national interest to foster and encourage individual enterprise in the development and distribution of supplies of helium, and at the same time provide, within economic limits, through the administration of this Act, a sustained supply of helium which, together with supplies available or expected to become available otherwise, will be sufficient to provide for essential Government activities.

"Sec. 16. The Secretary of the Interior is directed to report annually to the Congress on the matters contained in this Act.

"Sec. 17. If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

"Sec. 3. The amendment made by this Act shall become effective on March 1, 1961."

Amend the title so as to read: "An act to amend the Helium Act of March 3, 1925, as amended, for the defense, security, and the general welfare of the United States."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AMENDMENT OF TITLE V OF THE AGRICULTURAL ACT OF 1949, AS AMENDED

Mr. GATHINGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12759) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Strike out all after the enacting clause and insert "That section 509 of the Agricultural Act of 1949, as amended, is amended by striking 'June 30, 1961' and inserting 'December 31, 1961'."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BAILEY. Mr. Speaker, I reserve the right to object until I have asked some pertinent questions.

The SPEAKER. The Chair asked if there is objection, and any gentleman always has the right to object.

Mr. BAILEY. I have no intention of continuing my right to object if I can have some reasonable answers to some questions I desire to ask.

This is the so-called Mexican labor bill, is it not?

Mr. GATHINGS. Yes, it is.

Mr. BAILEY. I understand the Senate has cut down the extension of that legislation to approximately 6 months.

Mr. GATHINGS. Six months, yes.

Mr. BAILEY. May I inquire the expiration date that is on the books now?

Mr. GATHINGS. It expires on June 30, 1961.

Mr. BAILEY. Why the necessity of bringing it up when the law does not expire until June 30, 1961? All this Senate amendment does it continue it 6 months.

Mr. GATHINGS. It is a 6-month extension.

Mr. BAILEY. These Mexican laborers you are bringing in are exempt from the income tax and social security tax. You bring most of them in under contract and they are paid 50 cents a day. The testimony in the hearings on the migrant labor bill shows that at that price you can produce tomatoes in the southern part of California and sections of Texas and ship them to New Jersey and sell them more cheaply than those who grow them in fields right next to the Campbell Soup Co. can produce them.

Mr. GATHINGS. The gentleman does not mean they come over here and work for 50 cents a day.

Mr. BAILEY. The majority of the contractors pay 50 cents an hour, and the same kind of labor in New Jersey and New York is paid 80 to 85 cents an hour.

This bill should be sent to the Labor Committee where it belongs, because it is purely a labor proposition. It belongs in the Labor Committee, but it has been handled in the Agriculture Committee. If I can have the assurance that in the future it will be handled by the Labor Committee, I will withdraw my objection.

Mr. GATHINGS. I have nothing to do with that. That is out of my authority or jurisdiction. That is left up to the Speaker or the Parliamentarian of the House.

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. BAILEY. I yield to the gentleman from California.

Mr. SISK. I believe the gentleman was on the floor at the time the gentleman from New York [Mr. SANTANGELO] gave his report on the review of this program, was he not?

Mr. BAILEY. Yes. I remember the gentleman's comments on it when the bill came up.

Mr. SISK. I think the gentleman will agree with me that the gentleman from New York had some reservations at the time this bill was considered.

Since that time he has made a survey of this entire program. I want to say the gentleman did find some abuses, but basically I think the report, and I believe

my friend, the gentleman from West Virginia, will agree with me, indicated that a great many of the charges made against this program were unfounded and were not completely fair. I would hope the gentleman from West Virginia would at least permit us this 6 months' extension for this reason, the people who grow the crops, particularly the food crops, find it necessary if they are to be able to plan for the year ahead. The present program expires on June 30. That means the crops which will be started in this coming year will not be able to be harvested if there is no assurance of some labor supply. With this additional 6 months, it will guarantee that the farmers of the country who are handling, as I say, particularly, the food crops, an opportunity to go ahead with the assurance that they have those crops harvested. Of course, at the present time I appreciate the objections and concern of my friend from West Virginia. As he knows, he and I share concern for our domestic workers and the great many unemployed people in this country, but at the same time we do have problems in certain areas with the harvesting of these crops and, as I say, I hope my good friend will see his way clear to go along with us at least for this 6 months' extension.

Mr. BAILEY. I will say to the gentleman from California that my inclination is to withdraw my objection, but I want you to know you are not going to be back here at the expiration of your 6 months extension demanding to make this type of lousy legislation a permanent proposition, as you proposed in your original bill this year, and then cut it down to 2 years, and now it is cut to 6 months. Again, I say it is lousy legislation which cannot be justified, in view of the situation of these farm people out there. You know I tried to handle the matter under the minimum wage bill by bringing these large agricultural units under the minimum wage bill, but I did not get to first base with it and I know of no other way, and I call it to your attention that you cannot continue this kind of legislation without my objection.

Mr. Speaker, in order not to hold up the House I withdraw my reservation of objection, but you are going to hear from me next year.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. GATHINGS]?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ANNEXATION OF REAL PROPERTY BY CITY OF WYANDOTTE, MICH.

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 383) to authorize the annexation of certain real property of the United States by the city of Wyandotte, Mich., with amendments of the Senate thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

On page 2, after line 4, insert:

"SEC. 3. Nothing in this Act shall prevent the Secretary of the Interior from establishing a National Migratory Bird Refuge on the Federal lands referred to in this Act and the closing of these lands and water areas adjacent thereto to the taking, pursuit, or capture of migratory birds, if the Secretary of the Interior considers such action necessary in carrying out responsibilities of the United States pursuant to international treaties and implementing statutes. The Secretary is further authorized to cooperate and enter into agreements with the city of Wyandotte for the recreational use of these lands where not inconsistent with the purpose for which the refuge is established."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING EXCHANGE OF PROPERTY WITHIN SHENANDOAH NATIONAL PARK, VA.

Mrs. PFOST. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 3399) to authorize the exchange of certain property within Shenandoah National Park, in the State of Virginia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may accept title to approximately 37.44 acres of land within the authorized boundaries of the Shenandoah National Park, said land fronting on United States Highway Numbered 211 and being more particularly described as follows:

Beginning at park monument H-8, thence with the park boundary line the following courses and distances: north 51 degrees 57 minutes, east 2,242.0 feet to park monument H-9; south 26 degrees 40 minutes, east 51.0 feet to park monument H-10; south 32 degrees 40 minutes, east 340.0 feet to park monument H-11; south 11 degrees 35 minutes, east 190.0 feet to park monument H-12; south 41 degrees 26 minutes, east 329.0 feet to park monument H-13; thence crossing Pass Run south 57 degrees 00 minutes 36 seconds, west 1,871.32 feet to a marked white oak tree near the northeast edge of the fire road on top of Piney Mountain, thence north 58 degrees 36 minutes, west 771.16 feet to the point of beginning.

In exchange for the aforesaid land the Secretary is authorized to convey on the basis of approximately equal values a parcel of park land containing 38.58 acres, being more particularly described as follows:

Beginning at park monument P-153, a point in the center of Route 666, Virginia Department of Highways, thence with the park boundary line the following courses and distances: north 66 degrees 27 minutes, west 345.0 feet to park monument P-152; north 41 degrees 08 minutes, east 705.0 feet to park monument P-151; north 63 degrees 01 minutes, west 302.0 feet to park monument P-150; north 30 degrees 38 minutes,

east 1,110.0 feet to park monument P-149; south 74 degrees 36 minutes, east 443.0 feet to park monument P-148; north 41 degrees 33 minutes, east 109.0 feet to park monument P-147; south 69 degrees 50 minutes, east 668.0 feet to the center of the said Route 666; thence leaving the courses of the park boundary line and following the alinement of said Route 666 for the following courses and distances: south 36 degrees 26 minutes, west 436.0 feet; south 33 degrees 45 minutes, west 398.0 feet; south 29 degrees 39 minutes, west 388.0 feet; south 13 degrees 55 minutes, west 100.0 feet; south 04 degrees 16 minutes, west 70.0 feet; south 32 degrees 37 minutes, west 49.0 feet; north 89 degrees 45 minutes, west 43.0 feet; north 66 degrees 43 minutes, west 50.0 feet; north 89 degrees 26 minutes, west 100.0 feet; north 73 degrees 39 minutes, west 78.0 feet; north 84 degrees 11 minutes, west 45.0 feet; south 72 degrees 08 minutes, west 100.0 feet; south 43 degrees 17 minutes, west 50.0 feet; south 30 degrees 57 minutes, west 73.0 feet; south 47 degrees 22 minutes, west 70.0 feet; south 65 degrees 32 minutes, west 68.0 feet; south 80 degrees 05 minutes, west 130.0 feet; south 51 degrees 40 minutes, west 118.0 feet; south 66 degrees 51 minutes, west 36.0 feet; to the point of beginning.

The bill was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

CONVEYING PROPERTY TO CITY OF BISMARCK, N. DAK.

Mrs. PFOST. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1663) directing the Secretary of the Interior to convey certain property in the State of North Dakota to the city of Bismarck, N. Dak.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to clear the title to the property hereinafter described the Secretary of the Interior is authorized and directed to convey by quitclaim deed, without consideration, to the city of Bismarck, North Dakota, all right, title, and interest of the United States in and to the following described tract of land, together with all buildings and other improvements thereon, situated in the city of Bismarck, North Dakota:

Part of the southeast quarter of section 5, to township 138, range 80, beginning at the southeast corner of such section, thence due west for 1,786 feet, thence north 25 degrees and 46 minutes west a distance of 1,122.5 feet, thence north 66 degrees and 39 minutes west a distance of 454.9 feet, thence north 33 degrees and 22 minutes west a distance of 679 feet, thence north 25 degrees and 24 minutes west a distance of 610 feet, thence around a 30-degree 49-minute curve to the right a distance of 374.4 feet, thence due east 66 feet south of the quarter line of such section 5 a distance of 1,103 feet, thence due south a distance of 1,214 feet, and thence due east a distance of 1,320 feet, and thence due south a distance of 1,360 feet to the point of beginning.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Public Law 86-783
86th Congress, H. R. 12759
September 14, 1960

AN ACT

74 STAT. 1021.

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 509 of the Agricultural Act of 1949, as amended, is amended by striking "June 30, 1961" and inserting "December 31, 1961." 72 Stat. 934.
7 USC 1461 note.

Approved September 14, 1960.

